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 PROTECH DIAMOND TOOLS
 6 INCORPORATION

ORIGINAL
FILED

AUG 1 2008

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WICKING
 CLERK OF DISTRICT COURT
 DIVISION NORTHERN DISTRICT OF CALIFORNIA

SBA

10
 11 PROTECH DIAMOND TOOLS) Case No. CV 08 3684
 12 INCORPORATION, a California Corporation,)
 Plaintiff,)
 13 vs.) COMPLAINT FOR TRADEMARK
 14 DAVID LIAO, an individual,) INFRINGEMENT, FALSE
 15 PROTECH DIAMOND TOOLS INC., a) DESIGNATION OF ORIGIN AND
 Canadian Corporation, and PROTECH) UNFAIR COMPETITION
 16 DIAMOND USA, INC., a California)
 Corporation and DOES 1-10,)
 17 Defendants.)
 18

19
 20 1. Plaintiff Protech Diamond Tools Incorporation ("Plaintiff") is a corporation
 formed under the laws of the State of California with its principal place of business at 14447
 21 Griffith Street, San Leandro, California 94577, in the Northern District of California.
 22

23 2. On information and belief, defendant David Liao ("Mr. Liao or Defendant") is a
 citizen of Canada and a resident of the province of Alberta, Canada. On information and belief,
 24 defendant Protech Diamond Tools Inc. ("Protech Canada or Defendant"), is a corporation
 25

1 organized and existing under the laws of Canada, with its principal place of business at Bay 4,
2 4619 6th Street, NE, Calgary, Alberta T2E 3Z6, Canada. On information and belief, defendant
3 Protech Diamond USA, Inc. ("Protech California or Defendant"), is a corporation formed under
4 the laws of the State of California with its registered business address at 13321 Alondra Bl.
5 Suite T, Santa Fe Springs, California 90670, in the Central District of California. On
6 information and belief, Defendant Mr. Liao is the principal of Protech Canada and Protech
7 California and both companies operate under his control. Mr. Liao, Protech Canada and
8 Protech California are also referred to collectively as "Defendants".
9

10 JURISDICTION

11 3. This is a suit for federal trademark infringement and unfair competition pursuant
12 to the Lanham Act, 15 U.S.C. Section 1051, *et seq.* This Court has original jurisdiction under
13 15 U.S.C. Section 1121 and 28 U.S.C. Section 1338(a) arising from Defendants violation of the
14 U.S. trademark laws against Plaintiff. This Court has pendant jurisdiction under 28 U.S.C.
15 Section 1338(b) in that this care arises under claims joined with a substantial and related claim
16 under the Trademark Laws of the United States.

17 VENUE

18 4. Venue is proper in this District under 28 U.S.C. Section 1391 because on
19 information and belief Defendant Protech California has engaged in, and continues to engage
20 in, acts of solicitation, advertising and offering of retail goods and services to consumers
21 located in the Northern District of California. On information and belief Defendant Protech
22 California offers its products and services for sale over the Internet, including to customers in
23 the Northern District of California. Defendants Mr. Liao and Protech Canada are foreign
24
25

1 nationals and venue is proper in any District, including this District, pursuant to subsection (c)
 2 of 28 U.S.C. Section 1391.

3 **FACTUAL ALLEGATIONS**

4 5. Plaintiff Protech Diamond Tools, Inc. is a well-established producer and
 5 distributor of high-quality construction and stone fabricator cutting diamond saw blades used in
 6 the construction and building industry in the United States. These are professional products
 7 used to cut roads, sidewalks and bridges as well as to fabricate stone. Plaintiff Protech
 8 Diamond Tools, Inc. and its principal, Dennies Chung, have engaged in the business of selling
 9 these high quality construction grade saw blades since September 1, 2001 in the United States.
 10 Plaintiff markets and sells its saw blades under its marks PROTECH, PROTECH DIAMOND
 11 TOOLS and P PROTECH DIMAMOND TOOLS TOLL FREE: 1-888-618-2900 & Design ("P
 12 PROTECH DIAMOND TOOLS & Design"), as depicted below,



18 and collectively, referred to as "PROTECH". Attached as Exhibit A is a true and correct copy
 19 of Plaintiff's product brochure depicting its PROTECH marks and line of products.

20 6. Plaintiff has established a substantial reputation and goodwill in the United
 21 States with its trade name PROTECH DIAMOND TOOLS, INC. and its PROTECH brand of
 22 products. Plaintiff is known within the building and construction industry in the United States
 23 for developing, manufacturing and distributing quality saw blade products. Plaintiff has
 24 committed significant time, effort and financial resources towards developing and maintaining
 25 the reputation of its PROTECH marks as a source of product excellence, quality and reliability

1 in all phases of the design, production and distribution of its PROTECH brand of saw blades.

2 Plaintiff has also promoted and caused to be promoted throughout the United States the

3 PROTECH brand to identify its goods and services.

4 7. Plaintiff is the owner of U.S. Trademark Registration No. 2,734,788 for the mark
5 P PROTECH DIAMOND TOOLS & Design and the goodwill pertaining to this registration.

6 This registration is listed on the Principal Register and is valid and subsisting. Attached as

7 Exhibit B is a true and correct copy of the Registration Certificate for the mark P PROTECH
8 DIAMOND TOOLS & Design mark.

9 8. Plaintiff is also the owner and uses the unregistered trademarks PROTECH and
10 PROTECH DIAMOND TOOLS, which are featured on its website, on its products and in its
11 advertising, including its brochures. See Exhibit A; see also Exhibit C, which are true and
12 correct copies of Plaintiff's website homepage and photographs of representative samples of
13 Plaintiff's PROTECH saw blade products.

14 9. Attached as Exhibit D is a true and correct copy of Plaintiff's application to
15 register PROTECH DIAMOND TOOLS in the State of California.

16 10. In Spring, 2006, Plaintiff learned that Defendants Mr. Liao and Protech Canada
17 attempted to federally register the mark PROTECH DIAMOND for "power saw blades" in the
18 United States (Application Serial No. 76/418,267). Plaintiff protested Defendants Mr. Liao and
19 Protech Canada's use and registration of the PROTECH DIAMOND mark in the United States
20 in a letter dated April 4, 2006. A true and correct copy of that letter is attached as Exhibit E.

21 The United States Trademark office refused to register Defendants' Ser. No. 76/418,267.

22 However, in addition to protesting registration, Plaintiff protested any *use* in the United States

1 of the identical mark PROTECH or PROTECH DIAMOND TOOLS in connection with the
2 sale of the identical products – professional grade saw blades used in construction.

3 11. Between April 4, 2006 and August 7, 2006, counsel for both Plaintiff and
4 Defendants Mr. Liao and Protech Canada attempted to resolve this matter informally but were
5 unsuccessful. On August 8, 2006, Defendant Protech Canada and its principal, Defendant Mr.
6 Liao, petitioned to cancel Plaintiff's Trademark Registration No. 2,734,788 for the mark P
7 PROTECH DIAMOND TOOLS & Design. Attached as Exhibit F is a true and correct copy of
8 the Petition to Cancel filed by Defendant Protech Canada. Plaintiff disputes the allegations in
9 the Petition to Cancel. The Cancellation proceeding is currently pending before the Trademark
10 Trial and Appeal Board of the United States Patent and Trademark Office.

12 12. From August 8, 2006 to the present, Plaintiff's counsel and Defendant Protech
13 Canada's new U.S. counsel again attempted to resolve this matter informally but without
14 success. Plaintiff's position has always been that Defendants could *not* use PROTECH for saw
15 blades in the U.S. However, while negotiations were ongoing, and without any notification to
16 Plaintiff, on information and belief Defendant David Liao opened two offices in California
17 under the business name "Protech Diamond Tools USA, Inc.", whose business is to sell
18 professional grade saw blades, the same as Plaintiff's. Attached as Exhibit G is a true and
19 correct copy of the California Secretary of State's online business record for Defendant Protech
20 California, which is several years after first use by Plaintiff of the PROTECH DIAMOND
21 TOOLS mark. Plaintiff first learned of this in July, 2008.

23 13. On July 7, 2008, Plaintiff received a telephone call from an entity located in
24 Ohio inquiring as to whether Plaintiff moved to Paramount, California, which is one of
25 Defendant Protech California's office locations in California. Now, not only is there a strong

likelihood of confusion if Defendants continue operating and using the PROTECH marks in the United States but *actual* confusion has already occurred.

14. Defendants have sought to use the identical marks PROTECH, PROTECH DIAMOND TOOLS and other variant PROTECH marks in connection with the sale of saw blades in the United States. Defendants sell the identical products as Plaintiff under the exact same marks as Plaintiff. Attached as **Exhibit H** is a true and correct copy of Defendant Protech Canada's website homepage. Plaintiff has sold its construction cutting saw blades since September, 2001 in the United States under its PROTECH brand and marks, well prior to Defendants.

ALLEGATION OF IRREPARABLE HARM

15. By reason of Defendants' acts, Plaintiff has suffered and continues to suffer damage to its business, reputation and goodwill. Unless restrained and enjoined, Defendants will continue to engage in the infringing acts stated in this Complaint and irreparably damage Plaintiff. Plaintiff's remedy at law is not adequate to compensate it for all the injuries resulting from Defendants' actions.

FIRST CLAIM FOR RELIEF

(Trademark Infringement in Violation of 15 U.S.C. Section 1114)

16. Plaintiff realleges and incorporates by reference paragraphs 1 through 15 of this Complaint.

17. Defendants have used in commerce subject to regulation by the U.S. Congress a reproduction, counterfeit, copy or colorable imitation of Plaintiff's registered P PROTECH DIAMOND TOOLS & Design trademark on or in connection with Defendants' products and

1 services in connection with the sale, offering for sale, distribution and/or advertising of goods
2 and services, which use is likely to cause confusion, or to cause mistake, or to deceive.

3 18. Defendants have reproduced, counterfeited, copied and/or imitated Plaintiff's
4 registered P PROTECH DIAMONDS TOOLS & Design trademark on or in connection with
5 Defendants' retail products and services, and has applied such reproduction, counterfeit, copy
6 and/or colorable imitations to advertisements, promotional materials and other materials.
7

8 19. Defendants are acting and have acted with knowledge that the mark is a
9 counterfeit mark and such imitation is intended to be used to cause confusion, or to cause
10 mistake, or to deceive.

11 20. As a direct and proximate result of Defendants' actions, the consuming public is
12 likely to be confused and Plaintiff will suffer irreparable injury unless the Defendants are
13 enjoined.

14 21. As a direct and proximate result of Defendants' actions, actual confusion has
15 already occurred and Plaintiff will suffer and continue to suffer irreparable injury unless the
16 Defendants are enjoined.

17 22. As a direct and proximate result of Defendants' actions, Plaintiff has been
18 injured in an amount to be determined at trial and requests an award of attorneys' fees because
19 of the intentional nature of this infringement which were incurred as a result of bringing and
20 prosecuting this action.
21

22 23. Defendants' acts are in violation of 15 U.S.C. § 1114, and Plaintiff has been and
23 will continue to be damaged and irreparably harmed by these acts.
24

25

SECOND CLAIM FOR RELIEF

(Federal Unfair Competition and False Designation of Origin in Violation of 15 U.S.C. § 1125(a))

24. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 23 of this Complaint.

25. Defendants have used in commerce subject to regulation by the U.S. Congress a reproduction, counterfeit, copy or colorable imitation of Plaintiff's PROTECH, PROTECH DIAMOND TOOLS and P PROTECH DIAMOND TOOLS & Design marks (collectively referred to as "PROTECH") on or in connection with Defendants' products and in connection with the sale, offering for sale, distribution and/or advertising of goods and services, which use is likely to cause confusion, or to cause mistake, or to deceive.

26. Defendants' use in commerce of Plaintiff's PROTECH marks in connection with the sale of construction cutting saw blades is a false designation of origin and a false representation, and wrongfully and falsely designates the origin of Defendants' goods and services as originating or being associated or affiliated with Plaintiff, and is a false description or representation in interstate commerce in violation of 15 U.S.C. § 1125(a).

27. Defendants' use of Plaintiff's PROTECH marks in connection with the manufacture and sale of construction cutting saw blades is likely to cause confusion or mistake among consumers or those in the relevant trade and industry, or to deceive such persons as to affiliation, connection, endorsement, sponsorship or association of Defendants' PROTECH and PROTECH DIAMOND TOOLS goods and services with Plaintiff's genuine PROTECH brand of goods and services sold in the United States.

28. As a direct and proximate result of Defendants' actions, the public at large is likely to be confused and Plaintiff will suffer irreparable injury unless the Defendants are enjoined.

29. As a direct and proximate result of Defendants' actions, actual confusion has actually occurred and Plaintiff will suffer and continue to suffer irreparable injury unless the Defendants are enjoined.

30. As a direct and proximate result of Defendants' actions, Plaintiff has been injured in an amount to be determined at trial and requests an award of attorneys' fees because of the intentional nature of this infringement which were incurred as a result of bringing and prosecuting this action.

THIRD CLAIM FOR RELIEF

(Unfair Competition in Violation of California Business & Professions Code Section

17200, et seq.)

31. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 30 of this Complaint.

32. Defendants' acts constitute an unlawful, unfair or fraudulent business act or practice or unfair, deceptive, untrue or misleading advertising.

33. Defendants' acts are in violation of California Business and Professions Code Section 17200 *et seq.*, and Plaintiff has been and is likely to be damaged by these acts.

11

1

25

FOURTH CLAIM FOR RELIEF

**(Unfair Competition in Violation of California Business & Professions Code Section
17500, et seq.)**

34. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 33 of this Complaint.

35. Defendants have made or disseminated or caused to be disseminated before the public in this state, in a publication or advertising device or in any other manner or means whatever, statements concerning personal property and/or services, which are untrue or misleading.

36. Defendants' acts are in violation of California Business & Professions Code Section 17500 and Plaintiff has been and is likely to be damaged by these acts.

DEMAND FOR JURY TRIAL

37. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

Plaintiff prays for judgment in its favor and against Defendants for:

A. A preliminary and permanent injunction enjoining Defendants from using the PROTECH mark alone or in combination with any other words or designs, in block letter or any stylized form, including but not limited to PROTECH, PROTECH DIAMOND TOOLS and P PROTECH DIAMOND TOOLS & Design, on products, labels, packaging, in advertising and in connection with the sale or distribution of construction cutting saw blades in the United States.

1 B. An Order directing Defendants to file with this Court and serve on Plaintiff's
2 counsel within 30 days after service of an injunction a report under oath setting forth in detail
3 the manner and form in which Defendants complied with the injunction.

4 C. An Order that all signs, publications, materials, websites, advertisements,
5 brochures, and all other printed or electronically stored matter or works that may be viewed
6 with the aid of a machine, bearing or showing the mark or name PROTECH, alone or in
7 combination with any other words or designs, in block letter or any stylized form, including but
8 not limited to PROTECH, PROTECH DIAMOND TOOLS and P PROTECH DIAMOND
9 TOOLS & Design, be delivered to Plaintiff's counsel or destroyed.
10

11 D. An Order declaring Plaintiff to be the owner of the PROTECH, PROTECH
12 DIAMOND TOOLS and P PROTECH DIAMOND TOOLS & Design marks, and all similar
13 variants, in the United States.

14 E. An accounting of Defendants' profits arising from Defendants' unfair
15 competition and trademark infringement and an award of Defendants' profits to Plaintiff.

16 F. Damages sustained by Plaintiff.

17 G. Costs and disbursements incurred in this action by Plaintiff.

18 H. Attorneys' fees for this intentional infringement

19 I. An award of treble the actual damages awarded for this intentional infringement.

20 ///

21 ///

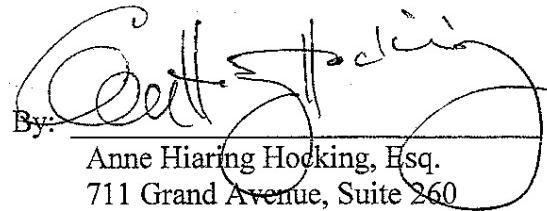
22 ///

- 1 J. Pre-judgment and post-judgment interest on the above damage awards.
2 K. Such other and further relief, which this Court may deem equitable and just.
3
4

5 Respectfully submitted,
6

7 DATED: August 1, 2008
8

LAW OFFICE OF ANNE HIARING
9

10 By: 

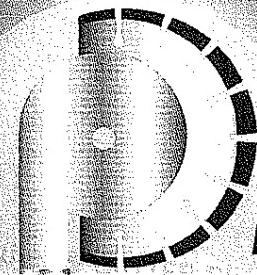
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Attorneys for Plaintiff PROTECH
DIAMOND TOOLS INCORPORATION

EXHIBIT A

WET CUTTING
URED CONCRETE BL

HALT BLADE



PROTECH DIAMOND TOOLS™

Toll Free: 1-888-618-2900

Protech Diamond Tools is a well-established OEM, producer of high quality diamond cutting tools for the professional saw cutter and the stone industry.

Our corporate office is located in San Leandro, California. We employ a group of diamond tool technicians with over 30 years of field knowledge. This assures you that we are well suited to keep you, the customer, on the leading edge of technology in the sawing/cutting industry.

We produce a full line of blades up to 54" in diameter, including cured concrete, green concrete, asphalt, wall saw, brick, block, stone as well as core bits and cup wheels.

Our large inventory quantities create immediate delivery and service to our most valuable asset, you the customer!

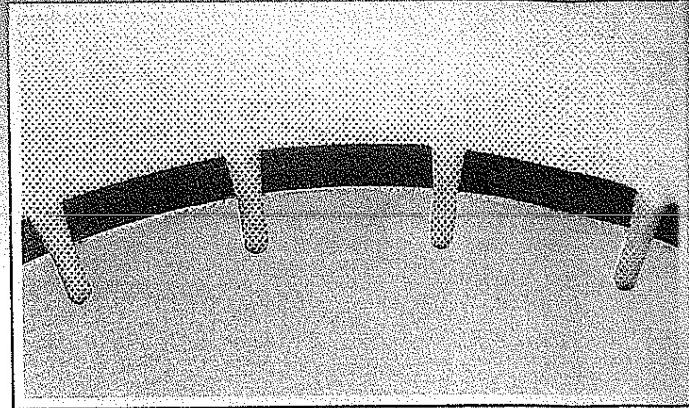
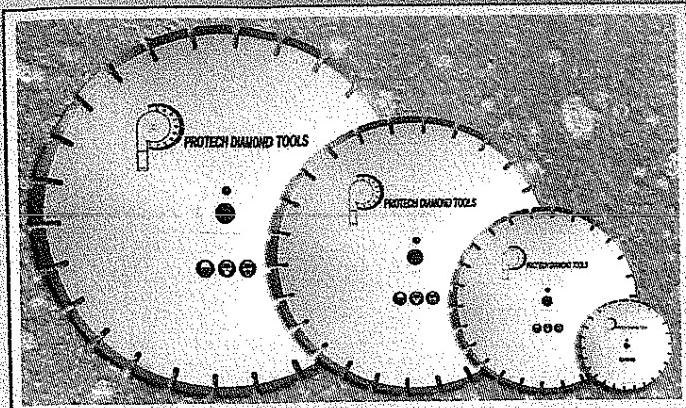
Please call today for your custom quote.

Thank you,

Protech Diamond Tools
1 510 618 1389

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Blade Size	Pro. G1 (12mm)	G2 (12mm)
12" x .125 x 1"	\$639	\$447
14" x .125 x 1"	\$749	\$524
16" x .125 x 1"	\$839	\$587
18" x .125 x 1"	\$996	\$697
20" x .125 x 1"	\$1,153	\$807
24" x .125 x 1"	\$1,449	\$1,014
12" x .140 x 1"	\$693	\$485
14" x .140 x 1"	\$880	\$616
16" x .140 x 1"	\$939	\$657
18" x .140 x 1"	\$1,129	\$790
20" x .140 x 1"	\$1,362	\$953
24" x .140 x 1"	\$1,599	\$1,190
14" x .155 x 1"	\$920	\$644
16" x .155 x 1"	\$1,123	\$786
18" x .155 x 1"	\$1,128 1230	\$896
20" x .155 x 1"	\$1,489	\$1042
22" x .155 x 1"	\$1,639	\$1147
24" x .155 x 1"	\$1,789	\$1,252
26" x .155 x 1"	\$1,999	\$1,399
30" x .155 x 1"	\$2,369	\$1,658
14" x .165 x 1"	\$1,089	\$762
16" x .165 x 1"	\$1,189	\$832
18" x .165 x 1"	\$1,389	\$972
20" x .165 x 1"	\$1,598	\$1,118
24" x .165 x 1"	\$1,869	\$1,308
26" x .165 x 1"	\$2,089	\$1,462
30" x .165 x 1"	\$2,489	\$1,742
36" x .165 x 1"	\$2,996	\$2,097

Blade Size	Pro. G1 (12mm)	G2 (12mm)
12" x .187 x 1"	\$989	\$692
14" x .187 x 1"	\$1,129	\$790
16" x .187 x 1"	\$1,289	\$902
18" x .187 x 1"	\$1,486	\$1,040
20" x .187 x 1"	\$1,769	\$1,238
24" x .187 x 1"	\$2,019	\$1,413
26" x .187 x 1"	\$2,223	\$1,556
30" x .187 x 1"	\$2,698	\$1,888
36" x .187 x 1"	\$3,169	\$2,218
42" x .187 x 1"	\$4,018	\$2,812
48" x .187 x 1"	\$4,898	\$3,428
54" x .187 x 1"	\$5,789	\$4,052

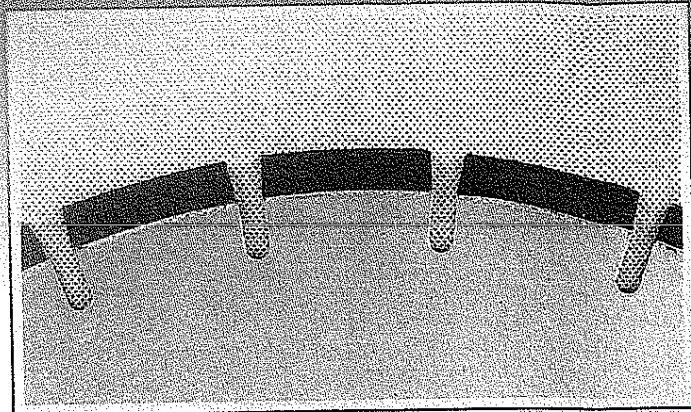
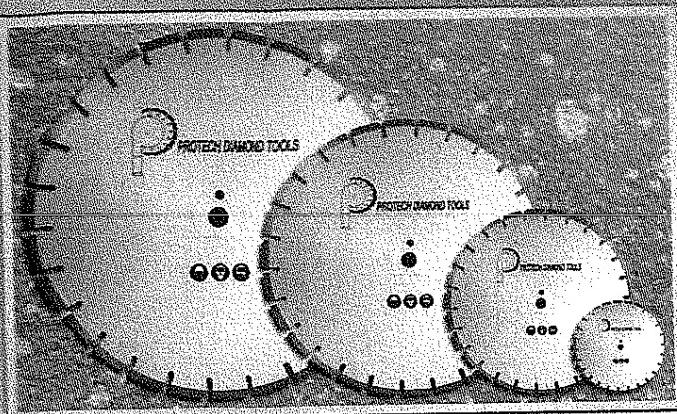
Cured Concrete Blades Specs.

Aggregate	For HP 35 & Below	For HP 57 & Up
Extremely Hard	C-P60+	C-P54+
Hard & Abrasive	C-P60+	C-P64+
Hard	C-P60	C-P64
Medium & Abrasive	C-P70	C-P74+
Medium Soft	C-P70	C-P74
Soft	C-P80	C-P84

All prices are manufacturer's list price.

Please call Protech Diamond Tools

863-618-2900 for discounted pricing.

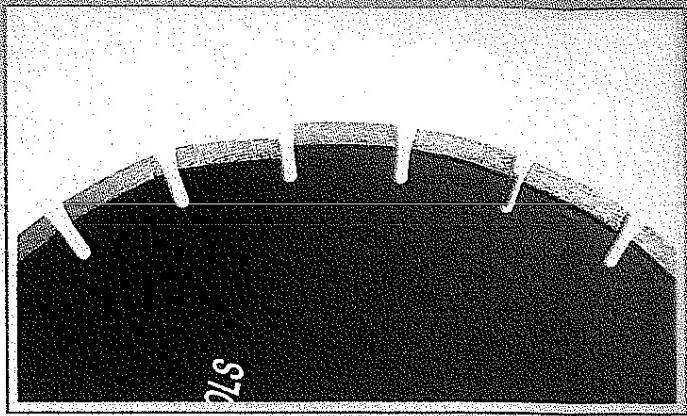
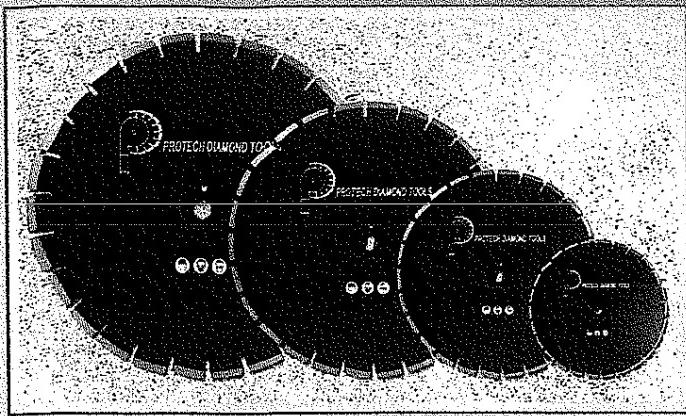


Blade Size	Pro. G1 (12mm)	G2 (12mm)
12" x .210 x 1"	\$1,130	\$791
14" x .210 x 1"	\$1,296	\$907
16" x .210 x 1"	\$1,489	\$1,042
18" x .210 x 1"	\$1,669	\$1,168
20" x .210 x 1"	\$1,900	\$1,330
24" x .210 x 1"	\$2,246	\$1,572
26" x .210 x 1"	\$2,478	\$1,734
30" x .210 x 1"	\$2,823	\$1,976
36" x .210 x 1"	\$3,449	\$2,414
42" x .210 x 1"	\$4,399	\$3,079
48" x .210 x 1"	\$4,999	\$3,499
54" x .210 x 1"	\$6,336	\$4,435
12" x .250 x 1"	\$1,269	\$888
14" x .250 x 1"	\$1,468	\$1,027
16" x .250 x 1"	\$1,709	\$1,196
18" x .250 x 1"	\$1,929	\$1,350
20" x .250 x 1"	\$2,189	\$1,532
24" x .250 x 1"	\$2,599	\$1,819
26" x .250 x 1"	\$2,863	\$2,004
30" x .250 x 1"	\$3,269	\$2,288
36" x .250 x 1"	\$3,989	\$2,792
42" x .250 x 1"	\$5,699	\$3,989
48" x .250 x 1"	\$5,999	\$4,199
12" x .375 x 1"	\$1,929	\$1,350
14" x .375 x 1"	\$2,216	\$1,551
18" x .375 x 1"	\$2,999	\$2,099

Cured Concrete Blades Specs.

Aggregate	For HP 35 & Below	For HP 57 & Up
Extremely Hard	C-P60+	C-P54+
Hard & Abrasive	C-P60+	C-P64+
Hard	C-P60	C-P64
Medium & Abrasive	C-P70	C-P74+
Medium Soft	C-P70	C-P74
Soft	C-P80	C-P84

Call for Manufacturer List Price
Please call Protech Diamond Tools
388-618-2900 for Discounted Pricing

ASPHALT & GREEN CONCRETE BLADES

Blade Size	Pro. G1 (12mm)	G2 (12mm)
12" x .125 x 1"	\$698	\$488
14" x .125 x 1"	\$793	\$555
16" x .125 x 1"	\$946	\$662
18" x .125 x 1"	\$1,069	\$748
20" x .125 x 1"	\$1,389	\$972
24" x .125 x 1"	\$1,528	\$1,069
12" x .140 x 1"	\$783	\$548
14" x .140 x 1"	\$948	\$663
16" x .140 x 1"	\$998	\$698
18" x .140 x 1"	\$1,269	\$888
20" x .140 x 1"	\$1,498	\$1,048
24" x .140 x 1"	\$1,798	\$1,258
16" x .155 x 1"	\$1,163	\$814
18" x .155 x 1"	\$1,386	\$970
20" x .155 x 1"	\$1,598	\$1,118
24" x .155 x 1"	\$1,996	\$1,397
26" x .155 x 1"	\$2,136	\$1,495
30" x .155 x 1"	\$2,368	\$1,657
16" x .165 x 1"	\$1,193	\$835
18" x .165 x 1"	\$1,496	\$1,047
20" x .165 x 1"	\$1,763	\$1,234
24" x .165 x 1"	\$2,098	\$1,468
26" x .165 x 1"	\$2,263	\$1,584
30" x .165 x 1"	\$2,569	\$1,798
36" x .165 x 1"	\$3,363	\$2,354
5" x .375 x 1"	\$518	\$362
7" x .375 x 1"	\$680	\$477
8" x .375 x 1"	\$790	\$553
12" x .375 x 1"	\$1,798	\$1,258
14" x .375 x 1"	\$1,998	\$1,398
18" x .375 x 1"	\$2,589	\$1,812

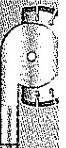
Blade Size	Pro. G1 (12mm)	G2 (12mm)
12" x .187 x 1"	\$943	\$660
14" x .187 x 1"	\$1,136	\$795
16" x .187 x 1"	\$1,293	\$905
18" x .187 x 1"	\$1,599	\$1,119
20" x .187 x 1"	\$1,989	\$1,392
24" x .187 x 1"	\$2,296	\$1,607
26" x .187 x 1"	\$2,496	\$1,747
30" x .187 x 1"	\$2,989	\$2,092
36" x .187 x 1"	\$3,663	\$2,564
42" x .187 x 1"	\$4,378	\$3,064
48" x .187 x 1"	\$4,999	\$3,499
5" x .250 x 1"	\$490	\$343
7" x .250 x 1"	\$580	\$406
8" x .250 x 1"	\$660	\$462
12" x .250 x 1"	\$1,168	\$817
14" x .250 x 1"	\$1,422	\$995
16" x .250 x 1"	\$1,596	\$1,117
18" x .250 x 1"	\$1,798	\$1,258

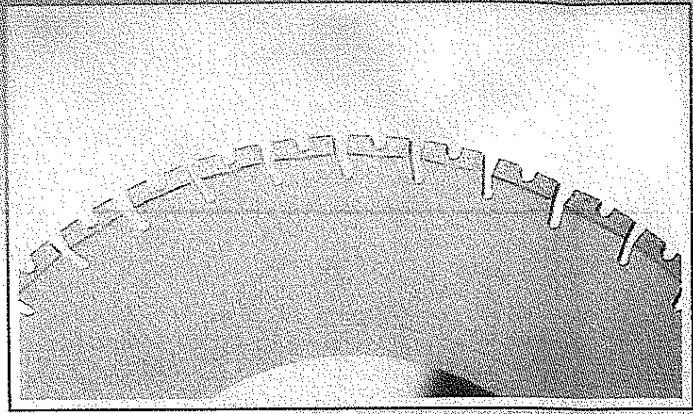
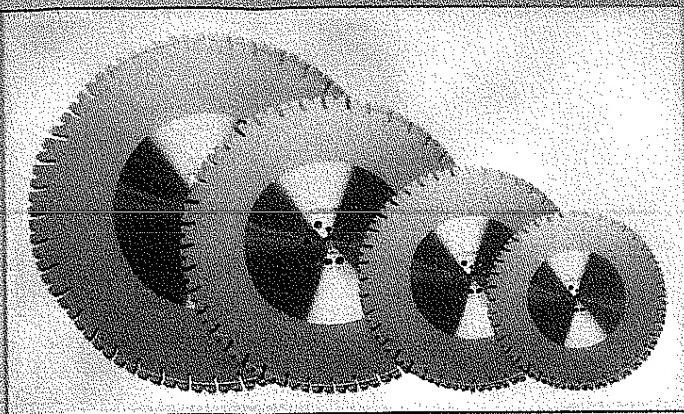
Asphalt Blades Specs.

Aggregate	For HP 35 & Below
Hard	AG-P21, AG-P35
Medium & Abrasive	AG-P35, AG-P38
Medium Soft	AG-P38, AG-P42, AG-P43
Soft	AG-P42, AG-P43

Please call Protech Diamond Tools for Discounted Pricing

1-800-319-2900





Blade Size	Pro. G1 (12mm)	G2 (10mm)
12" x .110 x 1"	\$493	\$419
14" x .125 x 1"	\$721	\$612
16" x .125 x 1"	\$790	\$671
20" x .125 x 1"	\$1,211	\$1,029
21" X .140 X 1"	\$1,319	\$1,121
24" x .187 x 1"	\$1,408	\$1,196
26" x .187 x 1"	\$1,589	\$1,350
30" x .187 x 1"	\$1,883	\$1,600
32" x .187 x 1"	\$1,926	\$1,637
36" x .187 x 1"	\$2,523	\$2,144
42" x .187 x 1"	\$3,386	\$2,878
48" x .187 x 1"	\$3,896	\$3,311
54" x .187 x 1"	\$6,240	\$5,304
24" x .210 x 1"	\$1,629	\$1,384
26" x .210 x 1"	\$1,769	\$1,503
30" x .210 x 1"	\$2,118	\$1,800
32" x .210 x 1"	\$2,269	\$1,928
36" x .210 x 1"	\$2,789	\$2,370
42" x .210 x 1"	\$3,693	\$3,139
48" x .210 x 1"	\$4,163	\$3,538
54" x .210 x 1"	\$6,680	\$5,678

Wall Saw Blades Specs.

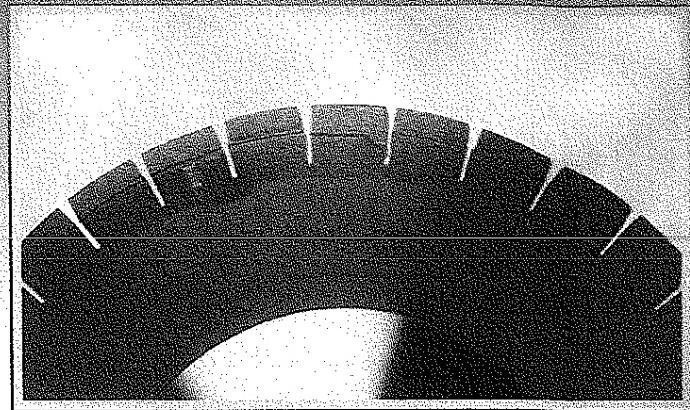
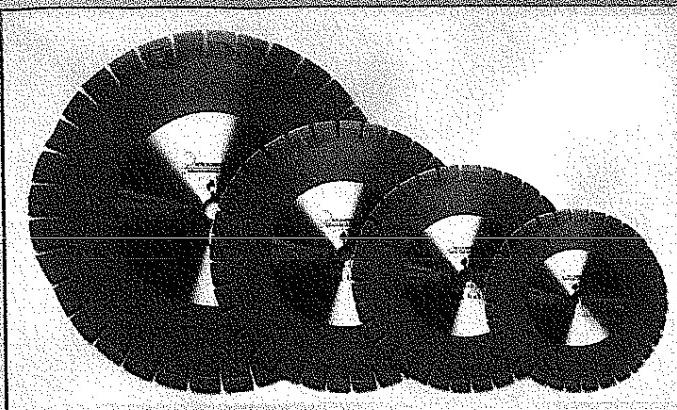
Aggregate	Specs.
Hard	WS40
Medium	WS60
Soft	WS80

Actual Price is \$100.00 less than Commercial List Price.

Please call 888-618-2900 for discounted Pricing.

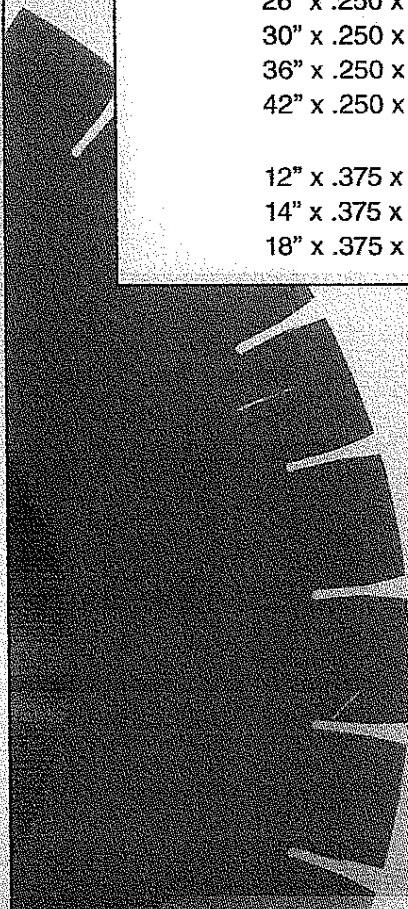
1-888-618-2900 for discounted Pricing.





Blade Size	List
12" x .125 x 1"	\$794
14" x .125 x 1"	\$911
16" x .125 x 1"	\$1,066
18" x .125 x 1"	\$1,242
20" x .125 x 1"	\$1,418
24" x .125 x 1"	\$1,687
14" x .140 x 1"	\$1,004
16" x .140 x 1"	\$1,170
18" x .140 x 1"	\$1,356
20" x .140 x 1"	\$1,553
24" x .140 x 1"	\$1,842
16" x .155 x 1"	\$1,283
18" x .155 x 1"	\$1,480
20" x .155 x 1"	\$1,697
24" x .155 x 1"	\$2,008
26" x .155 x 1"	\$2,153
16" x .165 x 1"	\$1,335
18" x .165 x 1"	\$1,532
20" x .165 x 1"	\$1,760
24" x .165 x 1"	\$2,080
26" x .165 x 1"	\$2,236
30" x .165 x 1"	\$2,588
36" x .165 x 1"	\$3,322
12" x .187 x 1"	\$1,211
14" x .187 x 1"	\$1,283
16" x .187 x 1"	\$1,490
18" x .187 x 1"	\$1,718
20" x .187 x 1"	\$1,967
24" x .187 x 1"	\$2,318
26" x .187 x 1"	\$2,494
30" x .187 x 1"	\$2,867
36" x .187 x 1"	\$3,654
42" x .187 x 1"	\$4,978
48" x .187 x 1"	\$5,465

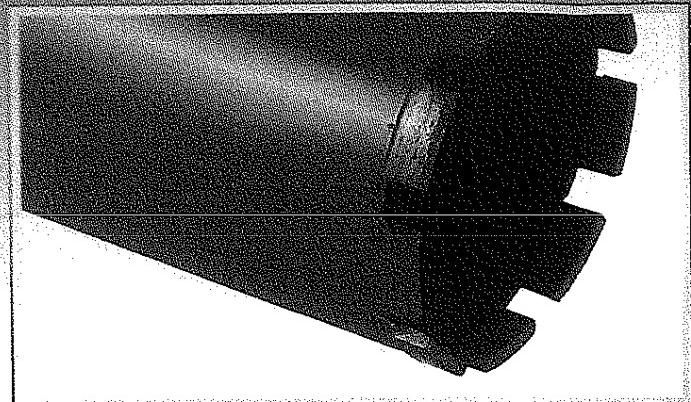
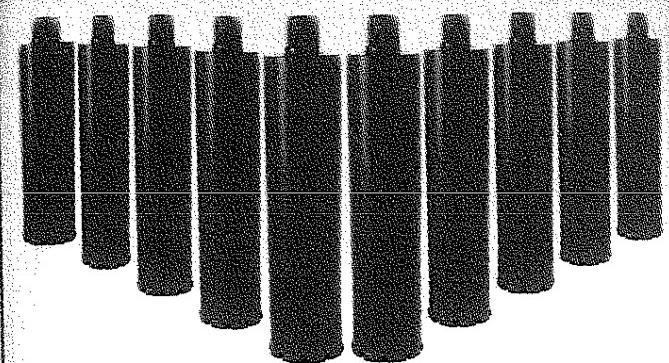
Blade Size	List
12" x .250 x 1"	\$1,532
14" x .250 x 1"	\$1,646
16" x .250 x 1"	\$CALL
18" x .250 x 1"	\$2,194
20" x .250 x 1"	\$CALL
24" x .250 x 1"	\$2,950
26" x .250 x 1"	\$3,157
30" x .250 x 1"	\$3,602
36" x .250 x 1"	\$4,544
42" x .250 x 1"	\$6,086
12" x .375 x 1"	\$2,246
14" x .375 x 1"	\$2,463
18" x .375 x 1"	\$3,271



All Manufacturer List Price.

Please call ProTech Diamond Tools

1-888-618-2900 for Discounted Pricing.



Size	# of Segs.	List
1/2"	RING	\$125
5/8"	RING	\$127
3/4"	RING	\$128
7/8"	RING	\$138
1"	RING	\$145
1 1/8"	RING	\$151
1 1/4"	RING	\$179
1 3/8"	4	\$181
1 1/2"	4	\$188
1 5/8"	4	\$213
1 3/4"	4	\$218
1 7/8"	4	\$228
2"	5	\$238
2 1/4"	5	\$256
2 1/2"	6	\$268
2 5/8"	6	\$288
2 3/4"	6	\$298
3"	7	\$328
3 1/4"	7	\$339
3 1/2"	8	\$368
3 3/4"	8	\$378
4"	10	\$398
4 1/4"	10	\$437
4 1/2"	10	\$498
5"	11	\$542
5 1/2"	11	\$638
6"	13	\$698
6 1/4"	13	\$793
6 1/2"	13	\$948



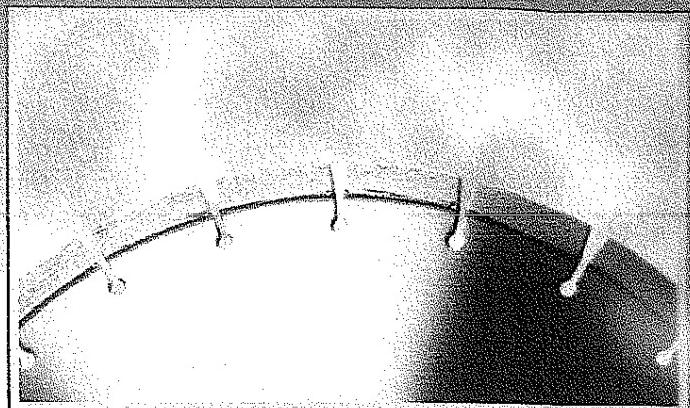
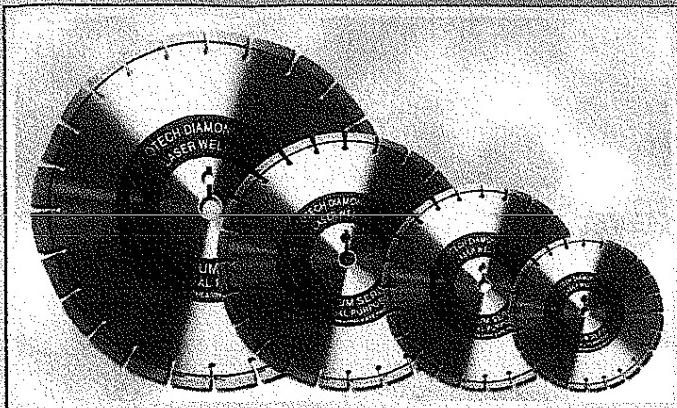
Size	# of Segs.	List
7"	13	\$998
8"	16	\$1,038
9"	18	\$1,249
10"	19	\$1,309
12"	22	\$1,463
14"	26	\$1,800
16"	30	\$1,998
18"	30	\$2,343
20"	32	\$2,483
24"	38	\$3,228

All prices are manufacturer's list price.

Please call ProTech Diamond Tools

1-888-673-2900 for discounted pricing.





HLS/GP - LASER SEGMENTED BLADES (General Purpose)

Our general purpose economy line used for concrete, roof tile, brick and block, natural stone and other masonry materials.

Item#	Size	Arbor	List
HLS/GP4CC	4"	DM-5/8	\$49
HLS/GP4.5CC	4.5"	DM-5/8	\$59
HLS/GP5CC	5"	DM-5/8	\$78
HLS/GP7CC	7"	DM-5/8	\$115
HLS/GP8CC	8"	DM-5/8	\$141
HLS/GP9CC	9"	7/8	\$168
HLS/GP10CC	10"	1"	\$211
HLS/GP12CC	12"	1"/20mm	\$278
HLS/GP14CC	14"	1"/20mm	\$318
HLS/GP16CC	16"	1"/20mm	\$368
HLS/GP18CC	18"	1"/20mm	\$520
HLS/GP20CC	20"	1"/20mm	\$596

HLS/PCC - DRY LASER SEGMENTED BLADES - 12MM (Professional)

All purpose, used for most all applications, various uses such as hard concrete, paving stone and fire brick and most all masonry materials.

Item#	Size	Arbor	List
HLS/P4CC	4"	DM-5/8	\$72
HLS/P4.5CC	4.5"	DM-5/8	\$85
HLS/P5CC	5"	DM-5/8	\$101
HLS/P7CC	7"	DM-5/8	\$150
HLS/P8CC	8"	DM-5/8	\$165
HLS/P9CC	9"	7/8	\$199
HLS/P10CC	10"	1"	\$271
HLS/P12CC	12"	1"/20mm	\$362
HLS/P14CC	14"	1"/20mm	\$415
HLS/P16CC	16"	1"/20mm	\$580
HLS/P18CC	18"	1"	\$716
HLS/P20CC	20"	1"	\$796

Reading the symbols:

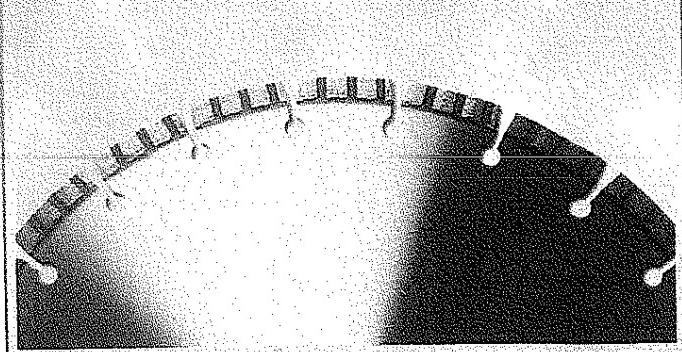
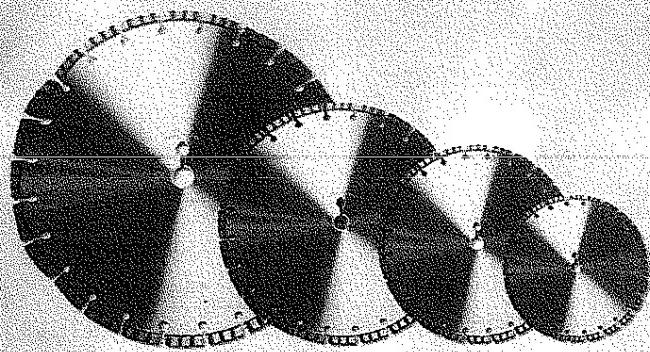
- | | |
|-----------------------|----------------------|
| H - Hand saw blade | L - Laser welded |
| T - Turbo segment | S - Standard Segment |
| P - Professional Line | GP - General Purpose |
| C - Concrete | G - Granite |
| U - U-Gullet Segment | |

AIR / Manufacturer List Price

Please call Protech Diamond Tools

1-888-618-2900 for Discounted Pricing

HAND SAW BLADES



HLT/GP - DRY LASER TURBO SEGMENTED BLADES - 10MM (General Purpose)

Fast & free cutting cured concrete, block & brick, slate stone, hard paving stone, and other medium to hard masonry materials.

Item#	Size	Arbor	List
HLT/GP4CC	4"	DM-5/8	\$49
HLT/GP4.5CC	4.5"	DM-5/8	\$59
HLT/GP5CC	5"	DM-5/8	\$78
HLT/GP7CC	7"	DM-5/8	\$128
HLT/GP8CC	8"	DM-5/8	\$168
HLT/GP9CC	9"	7/8	\$200
HLT/GP10CC	10"	1"	\$252
HLT/GP12CC	12"	1"/20mm	\$270
HLT/GP14CC	14"	1"/20mm	\$320

HLT/P-CG-LASER TURBO SEGMENTED BLADES - 10MM (Professional)

All purpose, free cutting, use for most all applications. An excellent blade for hard building materials, concrete, high-density brick, and roof quarry tile.

Item#	Size	Arbor	List
HLT/P4CG	4"	DM-5/8	\$96
HLT/P4.5CG	4.5"	DM-5/8	\$108
HLT/P5CG	5"	DM-5/8	\$125
HLT/P7CG	7"	DM-5/8	\$180
HLT/P8CG	8"	DM-5/8	\$225
HLT/P9CG	9"	DM-5/8	\$315
HLT/P10CG	10"	1"/20mm	\$355
HLT/P12CG	12"	1"/20mm	\$480
HLT/P14CG	14"	1"/20mm	\$540
HLT/P16CG	16"	1"/20mm	\$645
HLT/P18CG	18"	1"/20mm	\$755
HLT/P20CG	20"	1"/20mm	\$918
HLT/P20 5/8CG	20 5/8"	1"/20mm	\$928
HLT/P21CG	21"	1"/20mm	\$938
HLT/P24CG	24"	1"/20mm	\$999

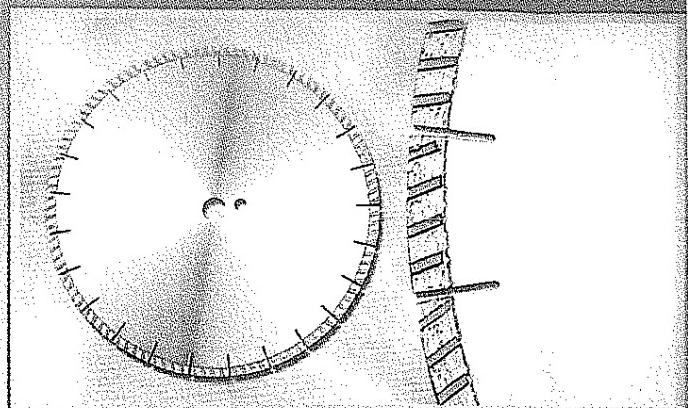
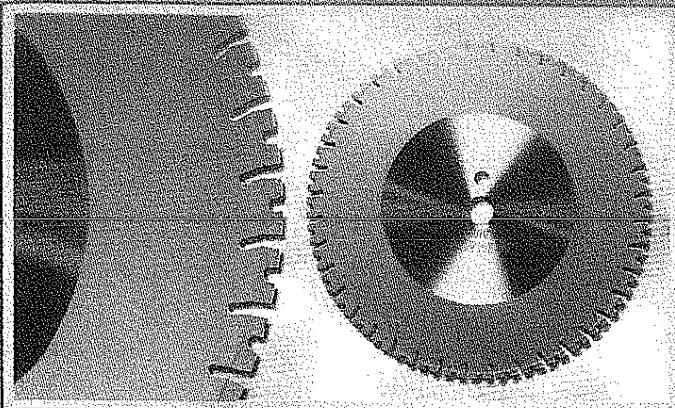
Examples:

- HLS/GP14CC = Hand saw laser straight segmented general purpose 14" blade for cured concrete.
- HLS/P16CG = Hand saw laser straight segmented professional 16" blade for concrete & granite.
- HLT/GP12CC = Hand saw laser turbo segmented general purpose 12" blade for cured concrete.
- HLT/P14CG = Hand saw laser turbo segmented professional 14" blade for concrete & granite.
- HLU/P14" = Hand saw laser U-Gullet professional 14" blade for all hard material.

Call for FREE Price List or Click [HERE](#) for instant Email Price

Please contact us for special discounts! Top/S

1-800-343-2300 or [Email](#) for detailed Pricing



**HLU/P - U-GULLET SEGMENTED BLADES
- 10MM
(Pro. Line)**

Fast and free Cutting. Designed for the professional concrete cutter. Primarily designed for hard reinforced concrete, can be used for almost any application.

Item#	Size	Arbor	List
HLU/P12CC	12"	1"/20mm	\$527
HLU/P14CC	14"	1"/20mm	\$670
HLU/P16CC	16"	1"/20mm	\$726
HLU/P18CC	18"	1"/20mm	\$910
HLU/P20CC	20"	1"/20mm	\$918
HLU/P20 5/8CC	20 5/8"	1"/20mm	\$928
HLU/P21CC	21"	1"/20mm	\$948
HLU/P24CC	24"	1"/20mm	\$1,189

**HLT/NG - NARROW GULLET SEGMENTED
BLADES - 10MM
(Pro. Line)**

Fast - Free Cutting - Cuts variety of materials, primarily designed for cutting concrete pile, hard reinforced concrete.

Item#	Size	Arbor	List
HLT/NG14	14"	1"/20mm	\$620
HLT/NG16	16"	1"/20mm	\$699
HLT/NG18	18"	1"/20mm	\$748
HLT/NG20	20"	1"/20mm	\$918
HLT/NG20 3/8	20 3/8"	1"/20mm	\$928
HLT/NG21	21"	1"/20mm	\$948
HLT/NG24	24"	1"/20mm	\$1098

Reading the symbols:

H - Hand saw blade	L - Laser welded
T - Turbo segment	S - Standard Segment
P - Professional Line	GP - General Purpose
C - Concrete	G - Granite
U - U-Gullet Segment	

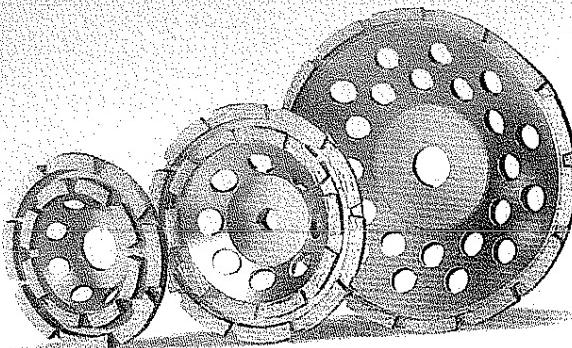
All Manufacturer List Price

Please call Protech Diamond Tools

1-888-613-2900 for Discounted Pricing

Single Row

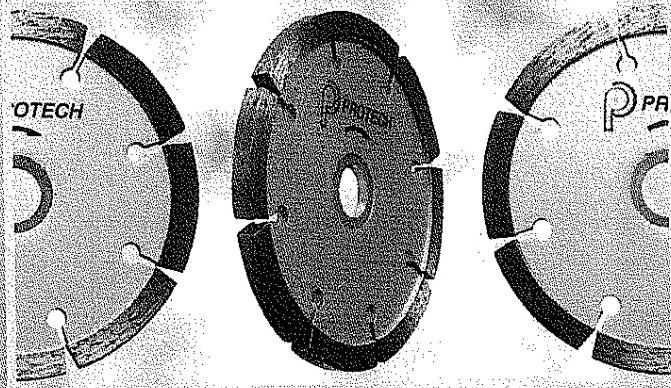
Size	List
4"	\$179
4.5"	\$198
5"	\$236
7"	\$298

**Double Row**

Size	List
4"	\$233
4.5"	\$260
5"	\$295
7"	\$349

TUCK POINT BLADES**Premium**

Size	List
4" x 10mm x 5/8"	\$102
4.5" x 10mm x 5/8"	\$116
5" x 10mm x 5/8"	\$142
7" x 10mm x 5/8"	\$212

**Standard**

Size	List
4" x 7mm x 5/8"	\$88
4.5" x 7mm x 5/8"	\$107
5" x 7mm x 5/8"	\$119
7" x 7mm x 5/8"	\$188

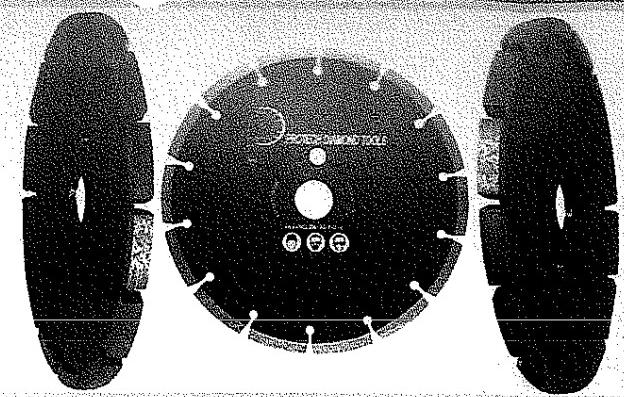
All prices are Manufacturer List Price.

Please call Pretech Diamond Tools

1-888-648-2900 for Discounted Pricing.

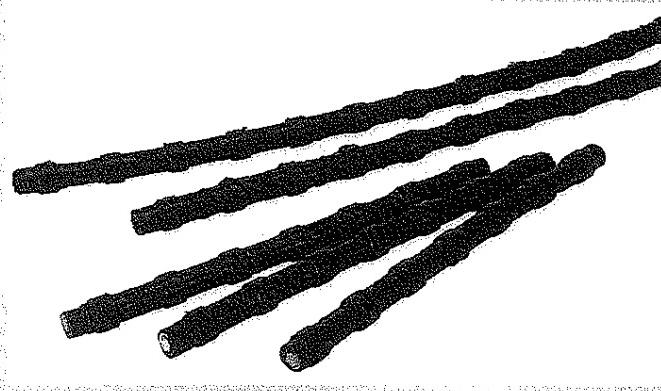


Blade Size	List
A5" x .250 x 1"	\$490
A7" x .250 x 1"	\$580
A8" x .250 x 1"	\$660
A5" x .375 x 1"	\$518
A7" x .375 x 1"	\$680
A8" x .375 x 1"	\$790



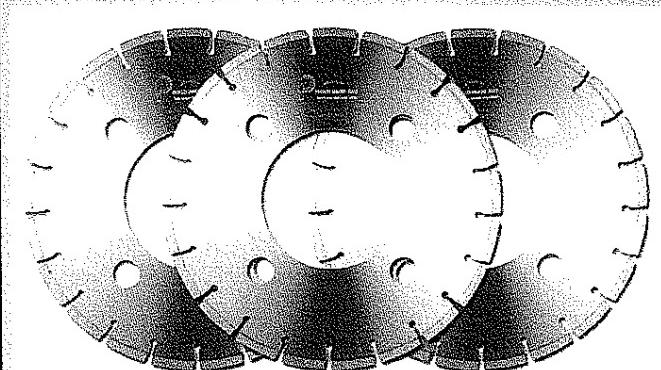
DIAMOND WIRE

ITEM #	LIST
WRQ600/11MM	\$180



GRINDING & GROOVING BLADES

ITEM #	Size	List
CCG/C-P50-8	12"	\$447
CCG/C-P50-8	14"	\$524

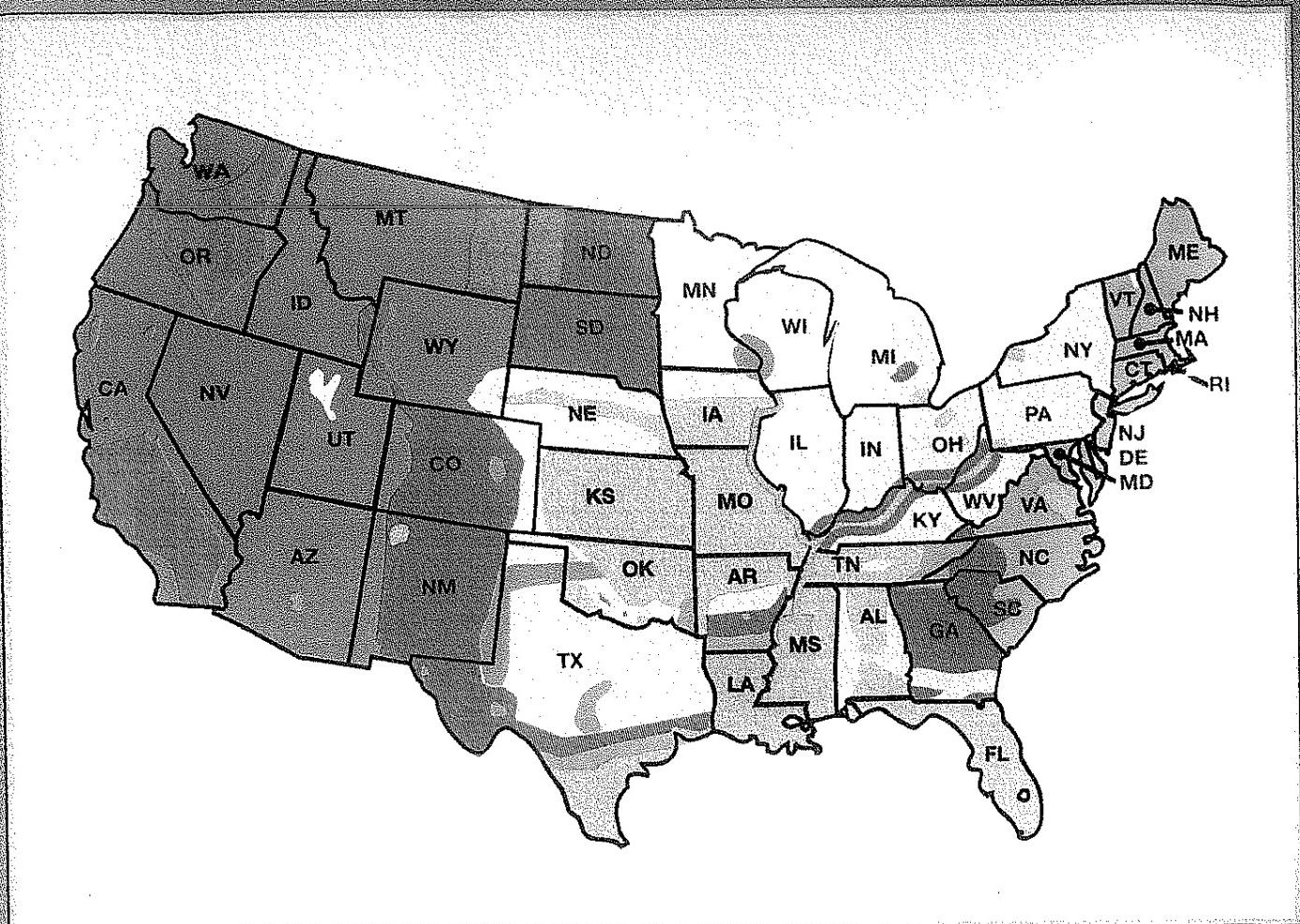


All Manufacturer List Price

Please call Pro-Tech Diamond Tools

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AGGREGATE CLASSIFICATION MAP OF THE UNITED STATES

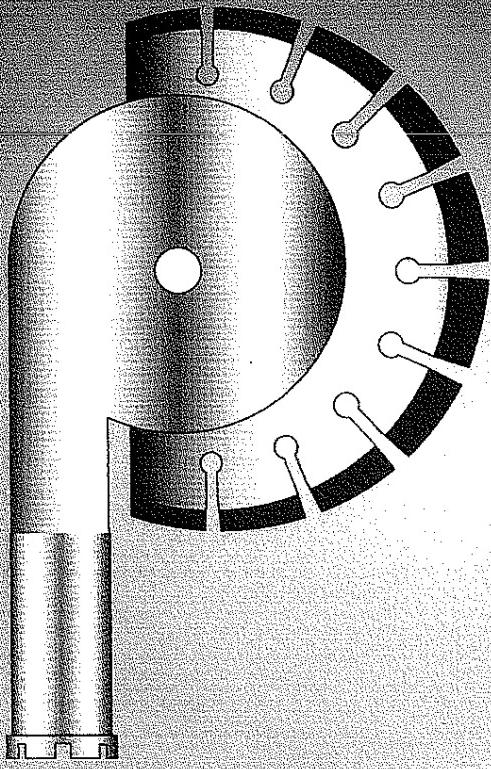
SOFT

MED. SOFT

MEDIUM

MED. HARD

HARD



PROTECH™

WWW.PROTECHDIAMONDTOOLS.COM

WWW.PROTECHDT.COM

14447 Griffith Street, San Leandro, CA 94577

Toll Free: 1 888 618 2900

Tel: 1 (510) 618-1389

Fax: 1 (510) 618-1589

EXHIBIT B

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 2,734,788

Registered July 8, 2003

TRADEMARK
PRINCIPAL REGISTER



DENNIES CHUNG (CALIFORNIA CORPORATION)
852 66TH AVE
OAKLAND, CA 94621

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "DIAMOND TOOLS" AND "TOLL
FREE: 1-888-618-2900", APART FROM THE MARK
AS SHOWN.

FOR: CONSTRUCTION CUTTING BLADES FOR
USE IN POWER SAWS, IN CLASS 8 (U.S. CLS. 23, 28
AND 44).

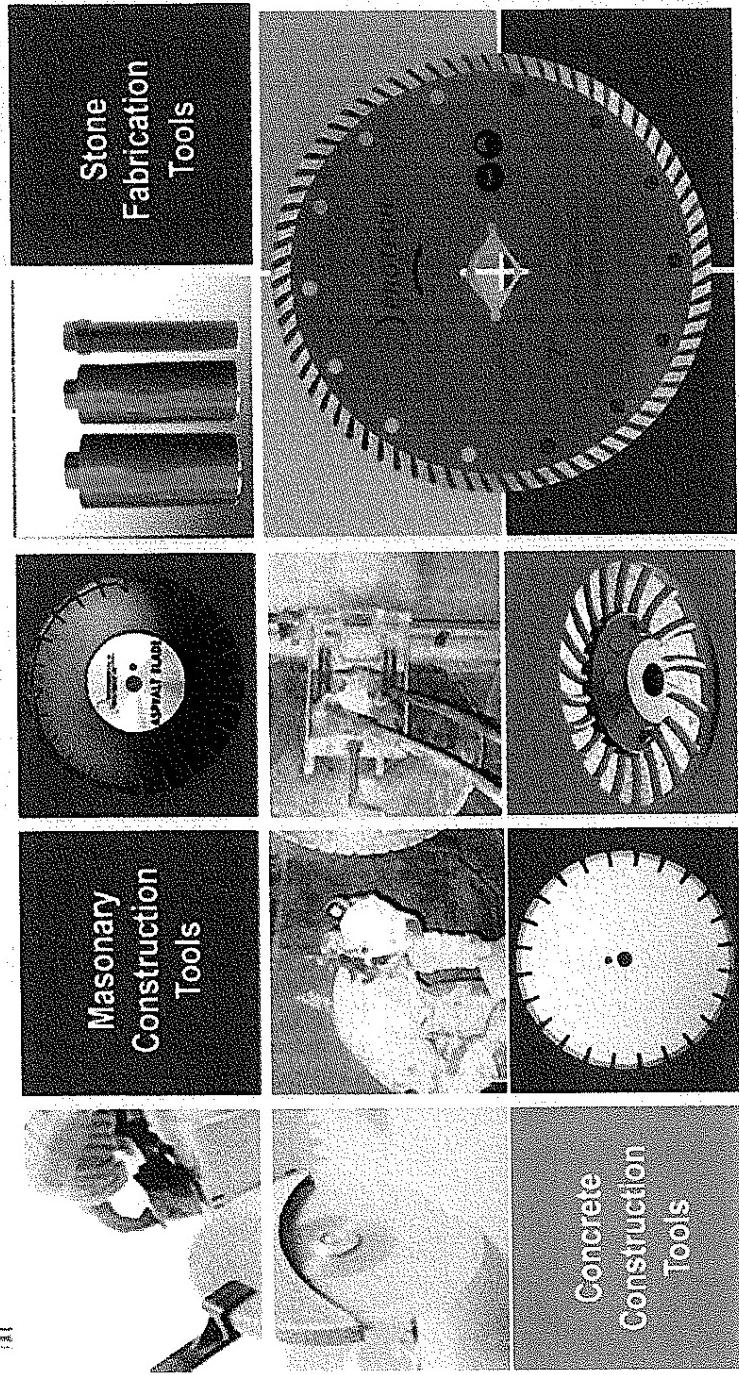
SER. NO. 78-122,376, FILED 4-17-2002.

FIRST USE 9-1-2001; IN COMMERCE 9-1-2001.

CAROLINE WOOD, EXAMINING ATTORNEY

EXHIBIT C

PROTECH DIAMOND TOOLS INC.



Welcome to Protech Diamond Tools web site. Protech Diamond Tools is a well-established OEM, producer of high quality diamond cutting tools for the professional saw cutter and the stone industry.

Our corporate office is located in Oakland California. We employ a group of diamond tool technicians with over 30 years of field knowledge. This assures you that we are well suited to keep you, the customer, on the leading edge of technology in the sawing/cutting industry.

We produce a full line of blades up to 48" in diameter, including cured concrete, green concrete, asphalt, wall saw, brick, block, stone as well as core bits and cup wheels

Please call today for your custom quote.

Protech Diamond Tools Inc.
14447 Griffith Street, San Leandro, CA 94577
TEL: 510-618-1389, 510-618-1489
FAX: 510-618-1539
TOLL FREE: 1-888-618-2900, 510-618-1389,
E-Mail: info@protechdt.com

? Copyright, Protech Diamond Tools Inc. 2003

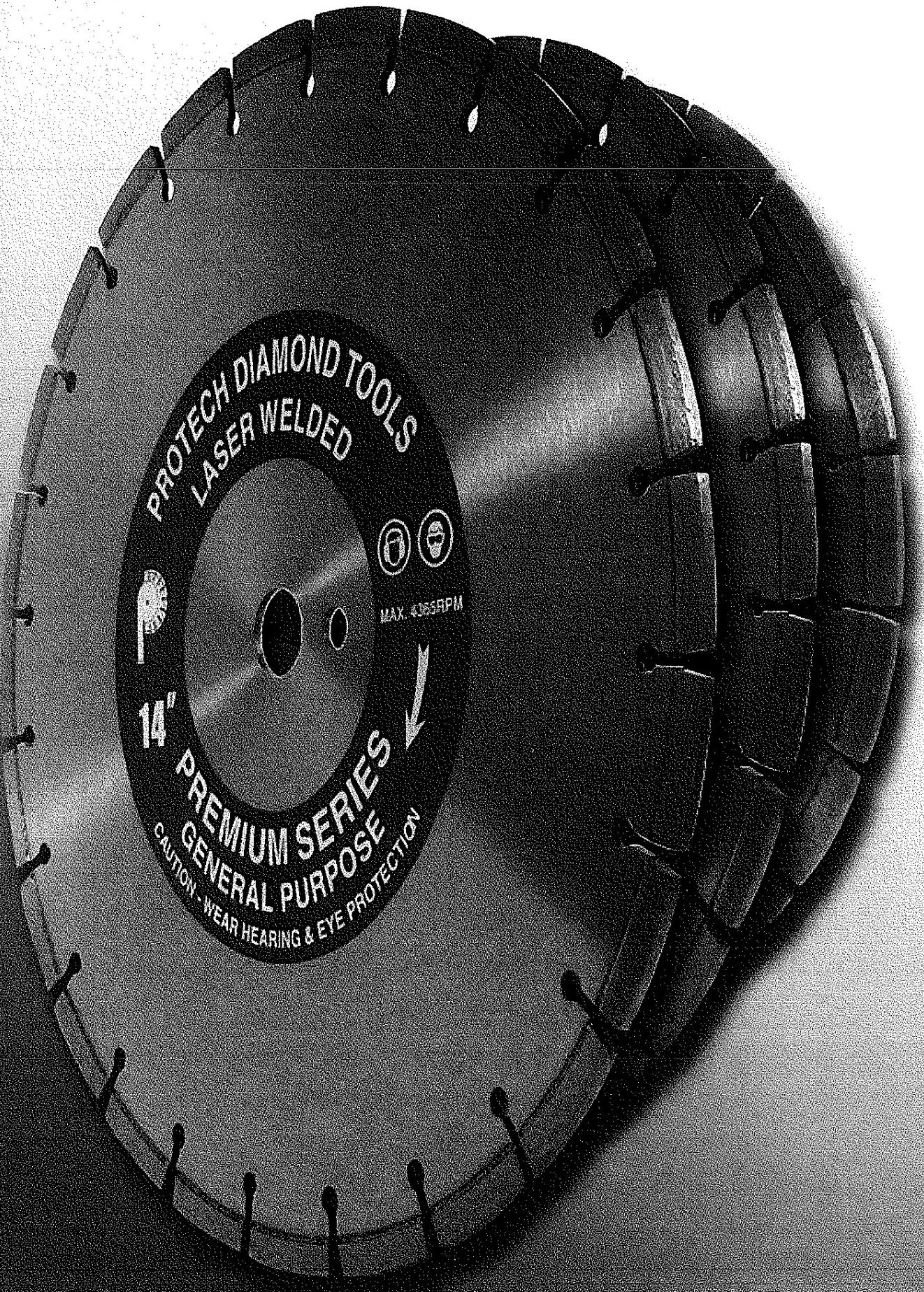




EXHIBIT D



State of California

Secretary of State

REGISTRATION OF TRADEMARK OR SERVICE MARK

Pursuant to Business and Professions Code Section 14207

IMPORTANT – Read instructions before completing this form.

REGISTRATION APPLICATION FOR:		<input checked="" type="checkbox"/> TRADEMARK	<input type="checkbox"/> SERVICE MARK
1. REGISTRANT NAME Protech Diamond Tools, Inc.			
2. BUSINESS ADDRESS 14447 Griffith Street		CITY AND STATE San Leandro, CA	ZIP CODE 94577
3. BUSINESS STRUCTURE (Check One)			
<input checked="" type="checkbox"/> CORPORATION (State of Incorporation) <u>California</u>		<input type="checkbox"/> SOLE PROPRIETOR	
<input type="checkbox"/> LIMITED LIABILITY COMPANY (State of Organization) _____		<input type="checkbox"/> HUSBAND & WIFE, AS COMMUNITY PROPERTY	
<input type="checkbox"/> LIMITED PARTNERSHIP (State of Organization) _____		<input type="checkbox"/> DOMESTIC PARTNERS, AS COMMUNITY PROPERTY	
<input type="checkbox"/> GENERAL PARTNERSHIP (State of Organization) _____		<input type="checkbox"/> OTHER (Describe) _____	
4. NAMES OF GENERAL PARTNERS, IF REGISTRANT IS A PARTNERSHIP			
5. NAME AND/OR DESIGN OF MARK. (For design, provide a brief written description that can be pictured in the mind without reference to the specimens. Do not draw the design on the application. Attach a drawing of the mark.) PROTECH DIAMOND TOOLS			
6. DISCLAIMER (If Applicable) NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM: _____			
7a. DATE THE MARK WAS FIRST USED IN CALIFORNIA September 1, 2001		7b. DATE THE MARK WAS FIRST USED ANYWHERE September 1, 2001	
8a. IF A TRADEMARK, LIST SPECIFIC GOODS. IF A SERVICE MARK, LIST SPECIFIC SERVICE. Construction and stone fabricator cutting blades for use in power saws		THIS SPACE FOR FILING OFFICER USE TRADE/SERVICE MARK REG. NO. _____ CLASS NO.(S) _____	
8b. CLASS NUMBER(S) <u>8</u>			
9. RETURN ACKNOWLEDGMENT TO: (Type or Print) NAME ** Anne Hiaring, Esq. ** ADDRESS 711 Grand Avenue, Suite 260 CITY/STATE/ZIP ** San Rafael, CA 94901 **			

10. PLEASE INDICATE WHETHER AN APPLICATION TO REGISTER THE MARK, OR PORTIONS, OR A COMPOSITE THEREOF, HAS BEEN FILED BY THE REGISTRANT OR A PREDECESSOR IN INTEREST WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

FILING DATE 4-17-2002 SERIAL/FILE NO. 78-122,376 STATUS OF APPLICATION Registered

IF REFUSED, WHY? _____

11. MANNER IN WHICH THE MARK IS USED (Check all that apply)

FOR TRADEMARKS ONLY

- ON LABELS AND TAGS AFFIXED TO THE GOODS
- ON LABELS AND TAGS AFFIXED TO CONTAINERS OF THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE CONTAINERS OF THE GOODS
- OTHER brochures and price lists

FOR SERVICE MARKS ONLY

- ON BUSINESS SIGNS
- ON ADVERTISING BROCHURES
- ON ADVERTISING LEAFLETS
- ON BUSINESS CARDS
- ON LETTERHEADS
- ON MENUS
- OTHER _____

12. SPECIMENS (Check one box below and enclose three (3) identical original specimens)

FOR TRADEMARKS ONLY

- ACTUAL LABELS
- ACTUAL TAGS
- PHOTOGRAPHS OF GOODS/CONTAINERS SHOWING THE TRADEMARK
- FRONT PANELS OF A PAPER CONTAINER BEARING THE TRADEMARK
- OTHER Product brochure

FOR SERVICE MARKS ONLY

- BUSINESS CARDS
- ADVERTISING BROCHURES
- ADVERTISING LEAFLETS
- MENUS SHOWING THE MARK
- OTHER _____

13. DECLARATION OF OWNERSHIP

Applicant declares that the applicant is the owner of the mark, that the mark is in use, and that to the knowledge of the person verifying the application, no other person has registered in this state, or has the right to use the mark, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.

14. DECLARATION OF ACCURACY

Applicant declares that all the information contained in this registration is accurate and if the applicant willfully states in the registration any material fact that the applicant knows to be false, the applicant shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00).

7/2/08

DATE

Melissa Chow
SIGNATURE OF AUTHORIZED PERSON

Melissa Chow, Secretary
TYPE OR PRINT NAME AND TITLE

EXHIBIT E

(ah) **VIA FAX (403.230.7877) & MAIL**

April 4, 2006

David Liao
Protech Diamond Tools, Inc.
Bay 2, 4639-6th Street, NE
Calgary
Alberta, Canada T2E 3Z6

Re: PROTECH DIAMOND application in Canada
Objection to Use of Protech Diamond
Our file: CHUNG 1.1

Dear Mr. Liao,

I am trademark counsel for Protech Diamond Tools, Inc., ("Protech") the well-established California business producing high quality diamond cutting tools for the professional saw cutter and stone industry.

I write to you because it recently came to our client's attention that your company, Protech Diamond Tools ("Protech Two"), has filed an application in Canada to register the mark PROTECH DIAMOND. Your company also apparently applied to register PROTECH DIAMOND in the U.S., Serial No. 76/418,267, which you abandoned. Our client has also become aware that when an Internet search is conducted using a search engine such as Google, your website, www.protecdiamondtoolsinc.com, is listed first in the search results. Furthermore, your website domain name is nearly identical to my client's mark, PROTECH DIAMOND TOOLS. Your website also refers to your corporate name as Protech Diamond.

My client is also aware that you interfered with its domain name registration, fraudulently represented yourself as Protech, and unlawfully had Protech's domain name transferred to you.

As you may know, the first to use a mark has priority rights. Protech Diamond Tools, Inc. first began using its mark, PROTECH DIAMOND TOOLS in the United States on September 1, 2001. Our client then filed for a Trademark application and received registration of the mark on July 8, 2003 (See attached). As you can understand, the use of your mark PROTECH DIAMOND in conjunction with the same type of goods and services my client provides inevitably results in confusion. Furthermore, my client's goodwill in the PROTECH DIAMOND TOOLS mark is greatly impaired by the use of your PROTECH DIAMOND mark.

Accordingly, Protech must ask that you immediately cease using the mark PROTECH DIAMOND, and immediately change your marketing materials, including website, to

delete all references to PROTECH DIAMOND or PROTECH DIAMOND TOOLS, Inc. Your activities clearly reach commerce in the U.S. and are actionable under U.S. trademark infringement law. Any continued use will be considered willful. If necessary, Prótech Diamond Tools, Inc. is prepared to enforce its rights under the Lanham Act and will seek all remedies available to it, including damages and attorney's fees.

Please respond to this letter at your earliest convenience, but to keep this matter active, no later than April 18, 2006.

If you have any questions about the above, please contact me personally, or through your attorney.

Sincerely,

Anne Hiaring
Enclosure

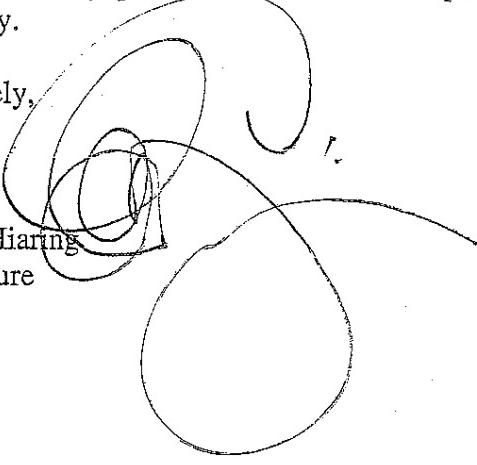


EXHIBIT F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 2,734,788
For the mark P PROTECH DIAMOND TOOLS TOLL FREE:1-888-618-2900 w/Design
Date registered July 8, 2003

Protech Diamond Tools Inc.,

Petitioner,))	Cancellation No. _____
v.)		
Protech Diamond Tools, Inc.)		
Registrant.)		

PETITION TO CANCEL

Attention: TTAB
Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

Protech Diamond Tools Inc., a corporation organized and existing under the laws of Canada, with a principal place of business at Bay 4, 4619 6th St. NE, Calgary, Alberta T2E 3Z6, Canada, (hereinafter "Petitioner"), believes that it will be damaged by the continued registration of the mark shown in Registration No. 2,734,788, and hereby petitions to cancel such registration.

As grounds for this petition, it is alleged that:

1. Petitioner is a Canadian developer, manufacturer and distributor of high-quality diamond saw blades, with customers in the United States. Petitioner was incorporated in Canada on February 14, 2000 under the trade name PROTECH

DIAMOND TOOLS INC. A copy of Petitioner's Certificate of Incorporation is attached as Exhibit A.

2. Petitioner markets and sells saw blades under the marks PROTECH DIAMOND and PROTECH DIAMOND TOOLS INC. (the "Marks") in the United States and Canada. Petitioner began selling saw blades to customers in the United States under the Marks at least as early as July 2000.

3. Petitioner registered the domain name protechdiamondtools.com on July 25, 2000.

4. In July 2000, one of Registrant's predecessors, Dennies Chung, began purchasing saw blades from Petitioner. Petitioner also continued to sell saw blades to other customers in the United States.

5. On September 3, 2001, Petitioner authorized its officer, David Youwei Liao, to enter a partnership with Dennies Chung to set up a distributorship for Petitioner's products associated with the Marks in the United States (the "Distributorship"). Dennies Chung, either individually or through the Distributorship, continued for a time to purchase saw blades from Petitioner for distribution in the United States.

6. Dennies Chung obtained the subject U.S. registration of P PROTECH DIAMOND TOOLS TOLL FREE:1-888-618-2900 w/Design, without Petitioner's knowledge. The registration claims a first use date of September 1, 2001. That date is more than a year later than Petitioner's first use date in the U.S.

7. The partnership which created the Distributorship was cancelled September 4, 2003, though Dennies Chung continued for a time to purchase products

from Petitioner after the partnership was cancelled. At all times, Petitioner continued to be the owner of the Marks.

8. Petitioner owns Canadian Registration No. TMA 601,956 for PROTECH DIAMOND in association with power saw blades. That registration issued from application Serial No. 1142487, which was filed on June 3, 2002. The Canadian registration issued on February 11, 2004. A copy of Petitioner's Canadian Registration No. TMA601,956 for PROTECH DIAMOND is attached as Exhibit B.

9. On May 29, 2005, Dennies Chung stopped cooperating with Petitioner and ceased purchasing products from Petitioner. Rather, Dennies Chung began purchasing the products of third parties. Such products continued to be sold under the Marks.

10. Recently, Dennies Chung assigned U.S. Registration No. 2,734,788 to Registrant Protech Diamond Tools, Inc. Protech Diamond Tools, Inc. has no relationship with Petitioner.

COUNT I - LIKELIHOOD OF CONFUSION

11. Petitioner has used its Marks in the United States in association with diamond tools including saw blades since at least as early as July 2000. This use predates the filing date and first use date associated with the mark in Registration No. 2,734,788.

12. Petitioner's prior use in the United States of the Marks in association with the sale of diamond saw blade tools since at least as early as July 2000 takes priority over any dates associated with the subject registration.

13. Registrant's mark P PROTECH DIAMOND TOOLS TOLL FREE: 1-888-618-2900 w/Design, as registered in association with construction cutting blades for use

in power saws, is likely to cause confusion with Petitioner's Marks as used in the United States since at least as early as July 2000 in association with diamond tools, namely saw blades.

14. Consumers are likely to believe that the source of goods sold under Registrant's mark is Petitioner. There have also been many instances of actual confusion in the U.S., to the detriment of Petitioner.

15. Continued existence of Registration No. 2,734,788 on the Principal Register will give the impression that Registrant has at least a *prima facie* exclusive right to use Petitioner's Marks when, in fact, it does not.

16. Continued existence of Registration No. 2,734,788 on the Principal Register will be a continued source of damage and injury to the Petitioner.

COUNT II - THE REGISTRATION IS VOID AB INITIO

17. The subject registration was filed in the name of Dennies Chung. Dennies Chung had no right to seek a registration of Petitioner's Marks in her own name. Rather, at the time the application was filed, Dennies Chung was part of the Distributorship set up to distribute Petitioner's goods in the United States. Petitioner was and still is the true owner of the Marks. Dennies Chung had no authority to seek registration of P PROTECH DIAMOND TOOLS TOLL FREE: 1-888-618-2900 w/Design in her own name. Therefore, the application which matured into Registration No. 2,734,788 is void ab initio.

18. Since the application is void ab initio, the recent March 2006 assignment of the subject registration by Dennies Chung to Protech Diamond Tools Inc. is likewise void.

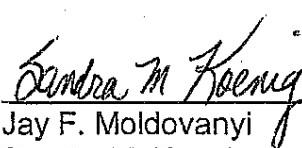
19. Continued existence of Registration No. 2,734,788 will be a continued source of damage and injury to the Petitioner.

WHEREFORE, Petitioner prays that Registration No. 2,734,788 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated: August 8, 2006

Respectfully submitted,

FAY, SHARPE, FAGAN
MINNICH & McKEE, LLP



Jay F. Moldovanyi
Sandra M. Koenig
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
Phone: (216) 861-5582
Fax: (216) 241-1666

Attorneys for Petitioner

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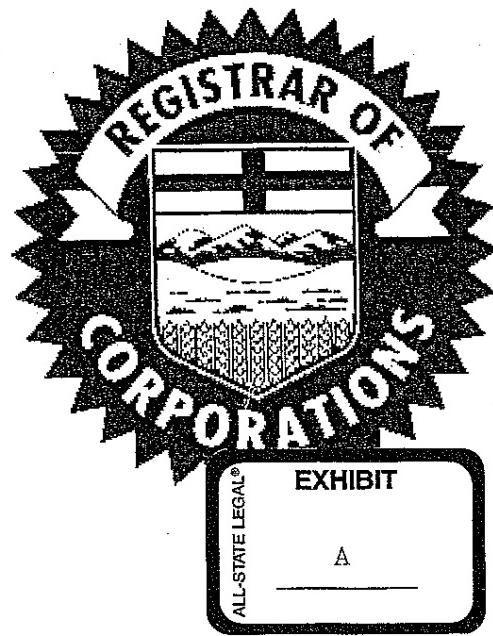
Certified Copy
CORPORATE ACCESS NUMBER: 208663948



BUSINESS CORPORATIONS ACT

**CERTIFICATE
OF
INCORPORATION**

PROTECH DIAMOND TOOLS INC.
WAS INCORPORATED IN ALBERTA ON 2000/02/14.



04/07/2006 13:25

001-403-230-7877

Received: 04/07/2006 01:20PM * Pg 4/6
PROTECH DIAMOND TOOL

PAGE 04

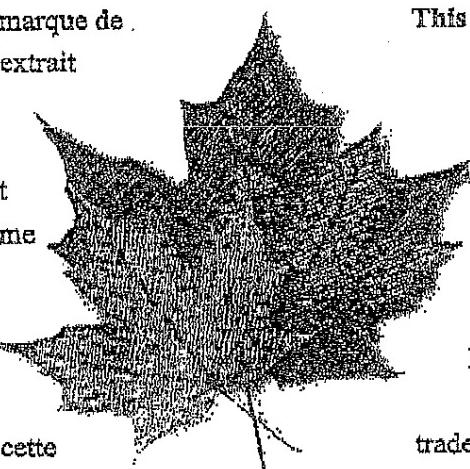
Office de la propriété
Intellectuelle
du CanadaUn organisme
d'Industrie CanadaCanadian
Intellectual Property
OfficeAn Agency of
Industry Canada

Marques de commerce

Certificat d'enregistrement.

La présente atteste que la marque de commerce identifiée dans l'extrait ci-joint, tiré du registre des marques de commerce, a été enregistrée et que ledit extrait est une copie conforme de l'inscription de son enregistrement.

Conformément aux dispositions de la *Loi sur les marques de commerce*, cette marque de commerce est renouvelable tous les quinze ans à compter de la date d'enregistrement.



Trade-marks

Certificate of Registration

This is to certify that the trade-mark, identified in the attached extract from the register of trade-marks, has been registered and that the said extract is a true copy of the record of its registration.

In accordance with the provisions of the Trade-marks Act, this trade-mark is subject to renewal every 15 years from the registration date.

PROTECH DIAMONDNuméro d'enregistrement TMA601,956
Registration NumberNuméro de dossier 1142487
File NumberDate d'enregistrement 11 fév/Feb 2004
Registration DateRegistraire des marques de commerce
Registrar of Trade-marks
(CIPO 1991-11-02)**Canada**

Canadian Intellectual
Property Office Office de la propriété
Intellectuelle du Canada

Canada™

Français
StrategisContact Us
Site MapHelp
What's NewSearch
About UsCanada Site
Registration

strategis.gc.ca

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Industrial Designs
Database⇒ [Search Page](#)**CANADIAN TRADE-MARK DATA**

*** Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2006-04-04

APPLICATION NUMBER:
1142487**REGISTRATION NUMBER:**
TMA601956**STATUS:** REGISTERED**FILED:** 2002-06-03**FORMALIZED:** 2002-06-28**ADVERTISED:** 2003-10-01**REGISTERED:** 2004-02-11**REGISTRANT:**

Protech Diamond Tools Inc.
 Bay 2, 4639 - 6 St NE
 Calgary
 T2E 3Z6
 ALBERTA

REPRESENTATIVE FOR SERVICE:

VICTOR G. ARCURI
 (ARVIC)
 #280, 521 - 3RD AVENUE S.W.
 CALGARY
 ALBERTA T2P 3T3

TRADE-MARK:**PROTECH DIAMOND****DISCLAIMER TEXT:**

The right to the exclusive use of the word DIAMOND is disclaimed apart from the trade-mark.

INDEX HEADINGS:

PROTECH DIAMOND

TECH, PRO

PROTECT

WARES:

(1) Power saw blades.

CLAIMS:

Used in CANADA since March 2002.

ACTION	DATE	BF	COMMENTS
Filed	03 June 2002		
Created	06 June 2002		
Formalized	28 June 2002		
Search Recorded	05 May 2003		

Examiner's First Report	05 May 2003	05 September 2003
Approved	29 August 2003	
Translation Requested	02 September 2003	24 September 2003
Translation Received	16 September 2003	
Extracted for Advertisement	17 September 2003	Vol.50 Issue 2553 2003/10/01
Advertised	01 October 2003	Vol.50 Issue 2553
Allowed	19 December 2003	
Allowance Notice Sent	19 December 2003	19 June 2004
Registered	11 February 2004	

[Back to search](#)[Back](#)

Last updated: 2006-04-04

[Important Notices](#)

EXHIBIT G

California Business Portal

Secretary of State DEBRA BOWEN

DISCLAIMER: The information displayed here is current as of JUL 11, 2008 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
PROTECH DIAMOND USA, INC.		
Number: C3028648	Date Filed: 10/31/2007	Status: active
Jurisdiction: California		
Address		
13321 ALONDRA BL STE T		
SANT FE SPRINGS, CA 90670		
Agent for Service of Process		
YI LU		
13321 ALONDRA BL		
UNIT T		
SANTA FE SPRINGS, CA 90670		

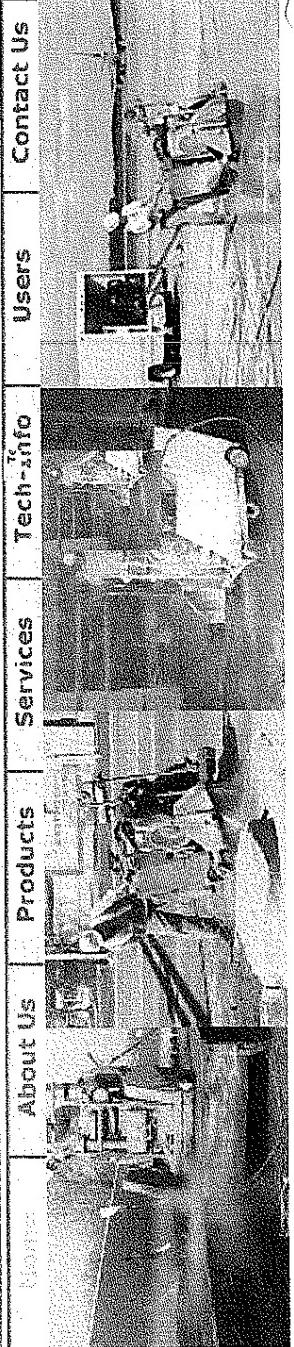
Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

EXHIBIT H

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Always Innovative, Always Professional

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A grand new diamond tool cuts both asphalt and cured concrete (outside) at fast speed and save your time without switching the blade during cutting.

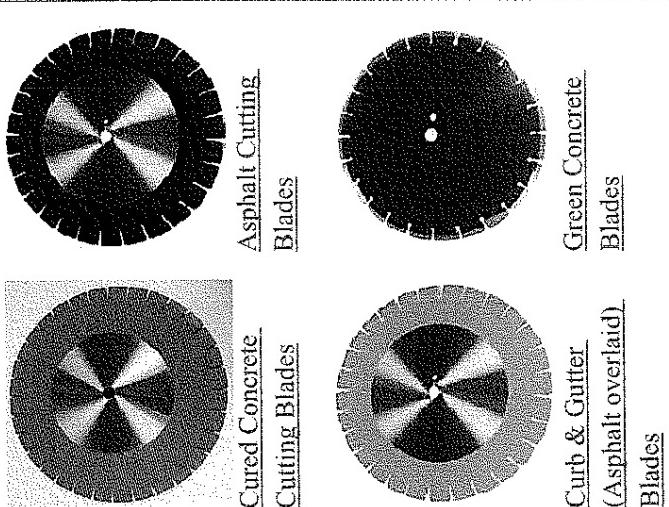
Welcome To ProTech Blades!

PROTECH
Diamond Tools Inc.

 E-mail:
 Password:
[Forgot your password?](#)

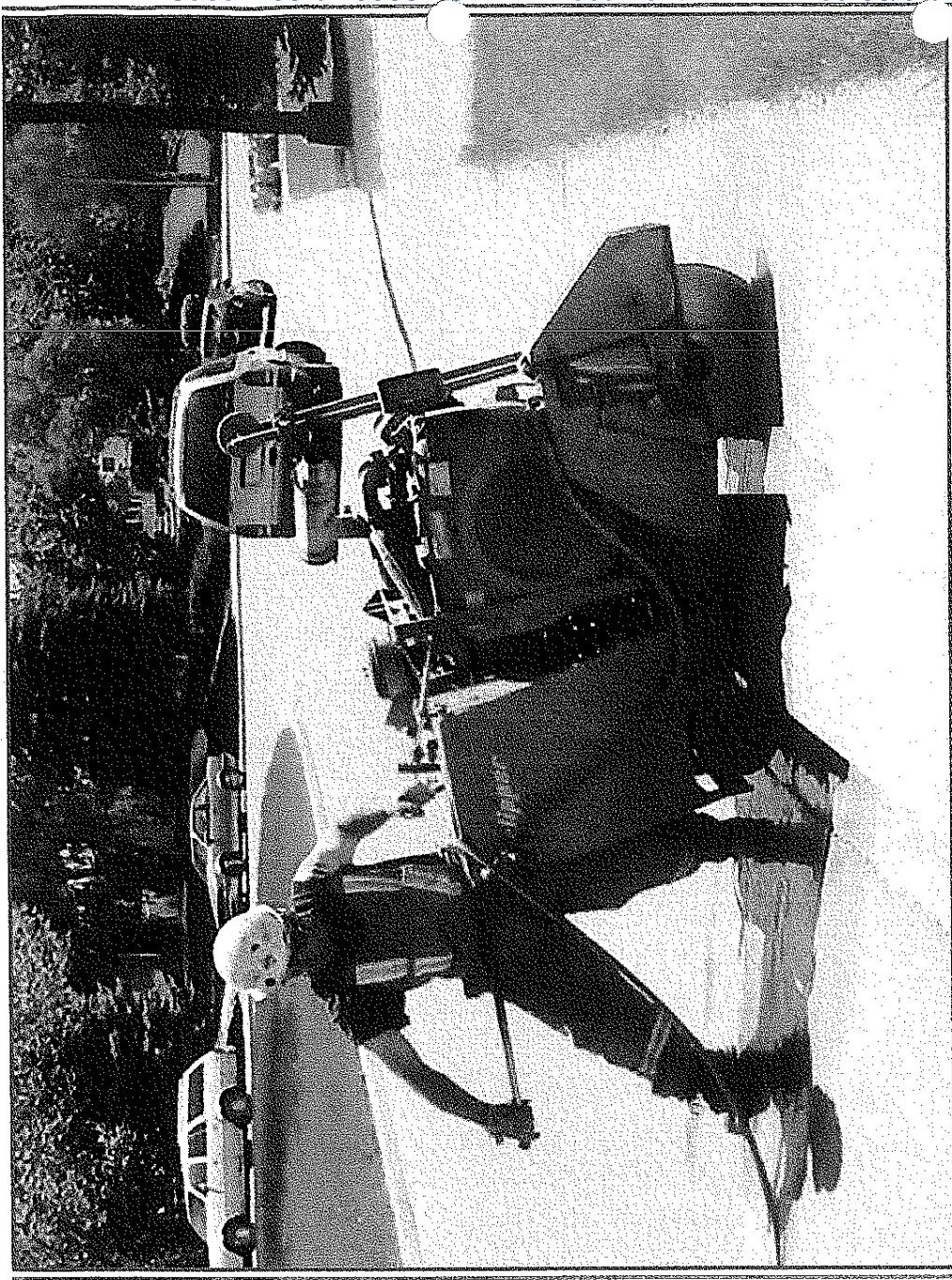
 Login

[Construction Cutting and Coring Tools](#)



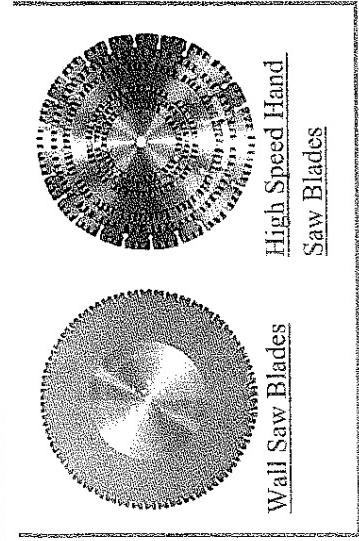
Asphalt Cutting Blades
Cured Concrete Cutting Blades
Green Concrete Blades
Curb & Gutter (Asphalt overlaid) Blades

<http://www.promechdiamondtoolsinc.com/index.php> (1 of 27/16/2008 10:45:11 AM)



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TM "PROTECH DIAMOND" is a Trademark the property of Protech Diamond Tools Inc.





Diamond Tools Inc.



Cured Concrete Cutting Blades

- Asphalt Cutting Blades
- Silent Core Cured Concrete Blades
- Curb & Gutter (Asphalt overlaid) Blades
- Green Concrete Blades
- Wall Saw Blades
- Heavy Rebar Wall Saw Blades
- Joint Widening/Looping Blades
- Concrete Core Bits
- High Speed Hand Saw Blades
- Diamond PVC/Plastic Blades
- Diamond Steel Blades

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Product

code

Discount: 0%

Price(\$USD)

Total: \$0

After Discount Total: \$0

GST(5%): \$0

Plus GST Total: \$0

[Update Amount](#)[Empty Cart](#)[Check Out](#)

Cured Concrete Cutting Blades

Application: Hard Concrete, Rebar Concrete, Old Concrete**Features:** Fast, Free, Consistent and Long Cutting Life**Condition:** Wet/Semi-wet Cutting

Machine: 5-20HP Gasoline Floor Saw, 5-10HP Electric Floor Saw

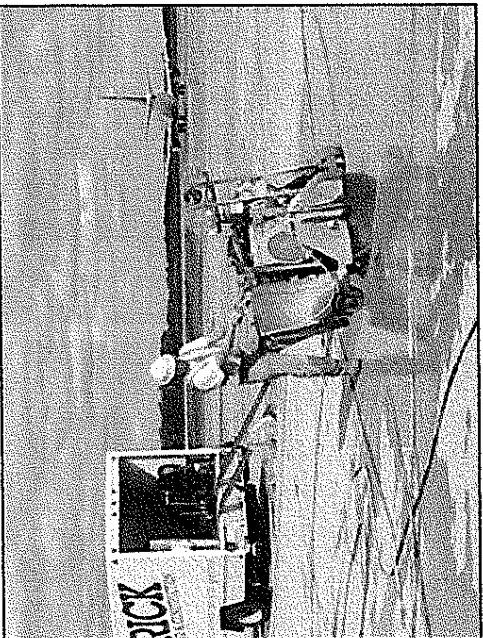
Item Code Size\Thickness Stock Grade US\$/PC Qty

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CC14A125	14"x.125x.255	Starter	Yes	198	1	Add to Cart
CC16A125	16"x.125x.255	Starter	Yes	248	1	Add to Cart
CC18A125	18"x.125x.255	Starter	Yes	290	1	Add to Cart
CC20A125	20"x.125x.255	Starter	Yes	329	1	Add to Cart
CC24A125	24"x.125x.255	Starter	Yes	398	1	Add to Cart
CC12C125	12"x.125x.410	premium	Yes	286	1	Add to Cart
CC14C125	14"x.125x.410	premium	Yes	320	1	Add to Cart
CC16C125	16"x.125x.410	premium	Yes	350	1	Add to Cart
CC18C125	18"x.125x.410	premium	Yes	400	1	Add to Cart
CC20C125	20"x.125x.410	premium	Yes	462	1	Add to Cart
CC24C125	24"x.125x.410	premium	Yes	538	1	Add to Cart

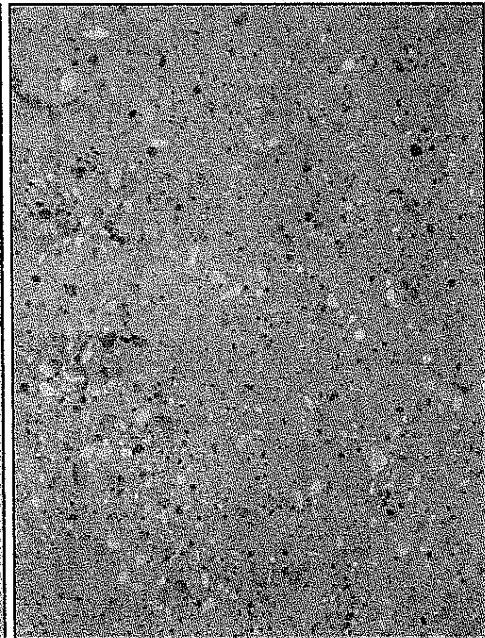


Machine: 21-34HP Gasoline/Diesel Floor Saw, 11-30HP Electric Floor Saw

Item	Code	Size	x	Thickness	Grade	Stock	US\$/PC	Qty
CC14B140	14"x.140x.335				premium *	352		1 <input type="button" value="Add to Cart"/>
CC16B160	16"x.140x.335				premium *	385		1 <input type="button" value="Add to Cart"/>
CC18B140	18"x.140x.335				premium *	440		1 <input type="button" value="Add to Cart"/>
CC18C133	18"x.133x.410				premium Yes	457		1 <input type="button" value="Add to Cart"/>
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CC20C133	20"x.133x.410				premium Yes	527		1 <input type="button" value="Add to Cart"/>
CC24B140	24"x.140x.335				premium *	592		1 <input type="button" value="Add to Cart"/>
CC26B140	26"x.140x.335				premium *	732		1 <input type="button" value="Add to Cart"/>

**Machine: 35-65HP Gasoline/Diesel Floor Saws, 31-42HP Electric Floor Saw**

Item	Code	Size	x	Thickness	Grade	Stock	US\$/PC	Qty
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CC20A155	20"x.155x.255				Starter	Yes	395	1 <input type="button" value="Add to Cart"/>
CC24A155	24"x.155x.255				Starter	Yes	478	1 <input type="button" value="Add to Cart"/>
CC18C155	18"x.155x.410				premium	Yes	553	1 <input type="button" value="Add to Cart"/>
CC18C175	18"x.175x.410				premium	Yes	615	1 <input type="button" value="Add to Cart"/>
CC20C155	20"x.155x.410				premium	Yes	623	1 <input type="button" value="Add to Cart"/>
CC20C175	20"x.175x.410				premium	Yes	695	1 <input type="button" value="Add to Cart"/>
CC24C155	24"x.155x.410				premium	Yes	773	1 <input type="button" value="Add to Cart"/>
CC24C175	24"x.175x.410				premium	Yes	865	1 <input type="button" value="Add to Cart"/>
CC26C155	26"x.155x.410				premium	Yes	833	1 <input type="button" value="Add to Cart"/>
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CC30C155	30"x.155x.410				premium	Yes	983	1 <input type="button" value="Add to Cart"/>
CC30C175	30"x.175x.410				premium	Yes	1100	1 <input type="button" value="Add to Cart"/>
CC32C155	32"x.155x.410				premium	Yes	1080	1 <input type="button" value="Add to Cart"/>
CC32C175	32"x.175x.410				premium	Yes	1219	1 <input type="button" value="Add to Cart"/>



Item with * , please phone 1-888-638-0999 for the delivery time.

Cured Concrete BOND - GS, DS, ES Floor Saws

Code#	Aggregate	Sand	Rebar	Steel Fabric
C45	Hard-chert gravel, flint, porphyry	Little, Round River sand	Heavy	High
C50	Medium Hard-basalt, chert gravel, flint, quartzite	Medium river sand	High	High
C55	Medium-river gravel, quartz, granite, gneiss	Medium-High river and smashed sand	Medium	Medium
C60	Medium Soft-Limestone, Metamorphic rocks	High rough sand	Light	Low
C65	Soft-Limestone, Porous Debris	Very high rough sand	Light, Mesh	Low, Nil

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